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DATE: August 1, 2014

TO: Commissioners and Interested Parties

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SUBJECT: **City of Arcata LCP Amendment No. LCP-1-ARC-14-0015-1** for
Public Hearing and Commission Action at the August 13, 2014 Meeting in San
Diego

SUMMARY OF STAFF RECOMMENDATION

Commission staff recommends that the Commission upon completion of a public hearing **certify** the requested LUP and IP amendments **with three suggested modifications**.

On January 17, 2014, the City of Arcata submitted LCP Amendment LCP-1-ARC-14-0015-1, which would amend the City's certified Land Use Plan (LUP) and Implementation Plan (IP) to change the plan and/or zoning designations for 14 properties throughout the City's coastal zone. The majority of these redesignations involve downzoning much of the City's industrial corridor from heavy industrial to mixed industrial-commercial designations in response to changes in the region's economic base from formerly dominant timber and forest products processing uses to lighter manufacturing and fabrication uses.

Staff believes certification of the LUP and IP amendments to redesignate, with certain changes as set forth in the three suggested modifications would: (1) be consistent with the policies of Chapter 3 of the Coastal Act; and (2) conform with, and are adequate to carry out, the provisions of the certified land use plan for the following reasons:

- The amendments to the land use and zoning designations from Heavy Industrial to Industrial-Commercial classifications would result in an overall reduction in potential offsite impacts to adjacent environmentally sensitive areas and facilitate the provision of visitor-serving facilities consistent with policies of the Coastal Act and within the Visitor Accommodations section of the LUP;
- The amendments to the land use and zoning designations from Agricultural Exclusive to Natural Resource Protection designations would convert agricultural land, and provide protection to, other agricultural lands in a manner consistent with Coastal Act Sections 30241 and 30242; and

- The amendments to the land use and zoning designations from Public Facility to Natural Resource Protection designations for a roadway median area comprised of wetlands would provide protection to an environmentally sensitive habitat area consistent with Coastal Act Section 30240 and related LCP provisions.

Three suggested modifications are being proposed: (1) retain the Public Facility (Park) land use plan designation over the whole of the Arcata Community Park; (2) retain the Natural Resources Protection plan and zone designations over the northeastern portion of the municipal corporation yard; and (3) modify LUP Policy IV-19 to ensure that its provisions that provide protections for ESHA from the adjoining “Heavy” industrial lands will continue to protect the ESHA when the heavy industrial lands are redesignated and rezoned to light industrial and commercial uses.

Commission staff has discussed the suggested modifications with planning staff from the City of Arcata. The City staff has indicated its receptiveness to the suggested modifications.

The Commission’s procedures require that if the Commission wishes to certify an amendment with modifications, the Commission must first deny the LCP amendment request as submitted, and then certify the amendment if modified as suggested incorporating the recommended changes.

Therefore, staff recommends that the Commission, upon completion of the public hearing, deny the LCP amendment as submitted, and then certify the amendment if modified as suggested. **The appropriate motions and resolutions to adopt the staff recommendation are found on page 5.**

Deadline for Commission Action

This proposed LCP amendment was filed as complete on June 5, 2014. As the proposed amendment affects both the Land Use Plan and Implementation Plan portions of the LCP, the Commission has a 90-day deadline, or until September 3, 2014 to take a final action on the LCP amendment. Therefore, unless extended for a period of up to 12 months pursuant to the provisions within the Coastal Act, the Commission must take action on the amendment request at the August 13-15, 2014 meeting.

Additional Information

For additional information about the LCP Amendment, please contact James R. Baskin at the North Coast District Office at (707) 826-8950. Please mail correspondence to the Commission at the above address.

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**EXHIBIT 5 – RESOLUTION OF TRANSMITTAL AND ADOPTION — LAND USE PLAN MAP
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EXHIBIT 6 – ORDINANCE OF ADOPTION — ZONING MAP AND IP TEXT AMENDMENTS

EXHIBIT 7 – PROPOSED SUGGESTED MODIFICATIONS TO LUP AND IP MAP AMENDMENTS

EXHIBIT 8 – PROPOSED SUGGESTED MODIFICATION TO LUP POLICY IV-17

I. MOTIONS, RECOMMENDATIONS, & RESOLUTIONS

A. DENIAL OF LUP AMENDMENT NO. LCP-1-DNC-13-0210-1, AS SUBMITTED

Motion 1:

I move that the Commission certify Land Use Plan Amendment No. LCP-1-ARC-14-0015-1 as submitted by the City of Arcata.

Staff recommends a **NO** vote. Following the staff recommendation will result in rejection of the Land Use Plan Amendment as submitted and adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the appointed Commissioners.

Resolution 1 to deny certification of the land use plan amendment as submitted:

The Commission hereby denies certification of the Land Use Plan Amendment No. LCP-1-ARC-14-0015-1 as submitted by the City of Arcata and adopts the findings set forth below on the grounds that the land use plan as amended does not meet the requirements of and is not in conformity with the policies of Chapter 3 of the Coastal Act. Certification of the Land Use Plan amendment would not meet the requirements of the California Environmental Quality Act, as there are feasible alternatives and mitigation measures that would substantially lessen the significant adverse impacts on the environment that will result from certification of the Land Use Plan Amendment.

B. CERTIFICATION OF LUP AMENDMENT NO. LCP-1-ARC-14-0015-1, WITH SUGGESTED MODIFICATIONS:

Motion 2:

I move that the Commission certify Land Use Plan Amendment No. LCP-1-ARC-14-0015-1 for the City of Arcata if it is modified as suggested in this staff report.

Staff recommends a **YES** vote. Passage of the motion will result in the certification of the land use plan amendment with suggested modifications and adoption of the following resolution and findings. The motion to certify with suggested modifications passes only upon an affirmative vote of the majority of the appointed Commissioners.

Resolution 2 to certify the land use plan amendment with suggested modifications:

The Commission hereby certifies Land Use Plan Amendment No. LCP-1-ARC-14-0015-1 for the City of Arcata if modified as suggested and adopts the findings set forth below on the grounds that the Land Use Plan amendment with suggested modifications will meet the requirements of and be in conformity with the policies of Chapter 3 of the Coastal Act. Certification of the land use plan amendment if modified as suggested complies with the California Environmental Quality Act because either: (1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the plan on the environment; or (2) there are no further feasible alternatives or mitigation measures that would substantially lessen any significant adverse impacts on the environment that will result from certification of the Land Use Plan Amendment if modified.

C. DENIAL OF IP AMENDMENT NO. LCP-1-DNC-13-0210-1, AS SUBMITTED:

Motion:

I move that the Commission reject Implementation Plan Amendment No. 1-LCP-ARC-14-0015-1 as submitted by the City of Arcata.

Staff recommends a **YES** vote on the foregoing motion. Passage of the motion will result in rejection of the implementation plan amendment as submitted and adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the appointed Commissioners.

Resolution 3 to deny certification of the implementation plan amendment as submitted:

The Commission hereby denies certification of the Implementation Plan Amendment No. 1-LCP-ARC-14-0015-1 as submitted by the City of Arcata on grounds that the implementation plan amendment as submitted does not conform with, and is inadequate to carry out, the provisions of the certified land use plan as amended. Certification of the implementation plan amendment would not meet the requirements of the California Environmental Quality Act as there are feasible alternatives and mitigation measures that would substantially lessen the significant adverse impacts on the environment that will result from certification of the implementation program amendment as submitted.

D. CERTIFICATION OF IP AMENDMENT NO. LCP-1-ARC-14-0015-1, WITH SUGGESTED MODIFICATIONS:

Motion:

I move that the Commission certify Implementation Program Amendment No. 1-LCP-ARC-14-0015-1 for the City of Arcata if it is modified as suggested in this staff report.

Staff recommends a **YES** vote. Passage of this motion will result in certification of the implementation program amendment with suggested modifications and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

Resolution 4 to certify the land use plan amendment with suggested modifications:

The Commission hereby certifies Implementation Plan Amendment No. 1-LCP-ARC-14-0015-1 for the City of Arcata if modified as suggested on grounds that the Implementation Program as amended, conforms with and is adequate to carry out the provisions of the Land Use Plan, as certified. Certification of the Implementation Plan Amendment will comply with the requirements of the California Environmental Quality Act, because either: 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the Implementation Plan Amendment on the environment; or 2) there are no further feasible alternatives or mitigation measures that would substantially lessen any significant adverse impacts on the environment.

C. SUGGESTED MODIFICATIONS

Land Use and Zoning Map Amendments

The attached **Exhibit 3** presents the complete amendments to the Land Use Plan and Zoning Map, as proposed to be amended by the City. **Exhibit 7** presents the Commission's suggested modifications to those map revisions as notes on the map labeled as "Suggested Modification 1" and Suggested Modification 2." These map revisions suggested by the Commission are described more fully below:

Suggested Modification 1: Retain the Natural Resources Protection land use plan and zoning map designations over APN 503-211-005 (portion of municipal corporation yard).

Suggested Modification 2: Retain the Parks land use plan map designation over APN 503-202-004 (portion of community park).

Land Use Plan Text

Attached **Exhibit 8** presents Land Use Plan Policy IV-19. The Commission's suggested modification to the policy is shown below. Text deletions and additions are formatted in ~~**bold double strikethrough**~~ and **bold double-underlined** text, respectively.

Suggested Modification 3: General Public Works Policy IV-19 of the City of Arcata Coastal Land Use Element (page 291) shall be modified as follows:

IV-19 Development in the ~~Heavy~~ Industrial Area bounded by Samoa Boulevard, Butcher's Slough, and Gannon Slough should include local native plant landscaping, screenings, and other mitigations to ensure compatibility with the educational, recreational, wildlife, and other uses of the Humboldt Bay National Wildlife Refuge and the Arcata Marsh and Sanctuary.

II. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares as follows:

A. BACKGROUND

1. ANALYSIS CRITERIA

To approve the amendments to the Land Use Plan (LUP), the Commission must find the LUP, as amended, will remain consistent with the policies of Chapter 3 of the Coastal Act. As submitted, the amendments to the LUP would not be consistent with the policies of the Coastal Act addressing minimization of hazards, protection of public recreation, and the protection of environmentally sensitive habitat areas from adjacent development. As such, suggested modifications are needed to bring the amended LUP into consistency with these Coastal Act provisions.

To approve the amendments to the Implementation Plan (IP), the Commission must find the IP, as amended, conforms with, and is adequate to carry out the policies of the LUP as amended. The proposed IP amendment is not in full conformity with, or would not adequately carry out the policies of the LUP, but if modified as suggested, will be in conformity and adequately implement the LUP.

2. AMENDMENT DESCRIPTION

Land Use Plan and Zoning Map Amendments

Many of the lumber mills and timber products processing plants that once operated in Arcata have ceased operations as a result of the decline of the local timber industry and are now shuttered or comprise razed brownfields sites. As has been the experience with many other rural areas where the economic foundation was previously concentrated on natural resource extraction activities, Arcata has been undergoing a transition from these enterprises to an economy based more on general commercial, and technical and professional services. In response to these changes in its economic base, the City proposes to reclassify the majority of its heavy industrial lands inventory to light manufacturing and mixed industrial commercial land use plan and zoning designations to accommodate demand for development of such enterprises at these former mill sites.

In addition to these economically driven changes, the City is also proposing to amend the land use plan and zoning designations for several other properties. Table One below summarizes the existing and proposed changes in land use and zoning designations and the City's stated rationale for the changes:

Table One: Existing and Proposed Land Use Plan and Zoning Designations

Site No.	Property (APN)	Land Use Designation		Zoning Designation		Reason for Proposed Reclassifications
		Existing	Proposed	Existing	Proposed	
1	021-201-005 021-201-006 021-201-007 021-201-008 021-201-009 021-201-010 (Winkel)	IH	IC	C-H-I	C-I-C	To accommodate changes in the North Coast's economy from heavy extractive industries like logging and timber that dominated so many of Arcata's industrial areas to light manufacturing and processing uses such as electronic and mechanical production, specialty food production, glassworks, furniture making, research and development, jewelry and other artisanal craft industries.
2	021-191-007 505-251-015[ptn] (City of Arcata)					
3	503-232-004 503-232-013 (City of Arcata)					
4	021-191-006 505-251-013 (Humboldt State University Advancement Foundation)					
5	021-191-002 503-251-011					

LCP-1-ARC-14-0015-1 (Multiple Sites Redesignations)

Site No.	Property (APN)	Land Use Designation		Zoning Designation		Reason for Proposed Reclassifications
		Existing	Proposed	Existing	Proposed	
	(Slack & Winzler Properties)					
6	021-185-014 503-232-009 (Ford Family LLC)					
7	021-185-016 021-185-017 503-251-013 (Samoa Boulevard Industrial Park)					
8	503-231-022 (Stewart)					
9	021-191-005 503-251-002 503-251-003 505-251-015[ptn] (City of Arcata)	A-E	NRP	C-A-E	C-NRP	To match land use and zoning designations to that of the onsite natural resource restoration uses previously permitted by CDP-06-036.
10	503-202-004 [portion Community Park] (City of Arcata)	P	P-F	C-P-F (no change)		To allow for a greater variety of municipal uses such as public services and administrative offices including police and fire stations, post offices, maintenance yards, etc., that are not allowed under the Park (P) land use designation.
11	US101/SR255 Right-of-Way (Caltrans)	P-F	Unclassified	C-P-F	Not Zoned	To remove Public Facility designations from a portion of state highway right-of-way.
12	Rotary Park (City of Arcata)	Unclassified	P-F	Not Zoned	C-P-F	To apply the Public Facilities designations over a vacated street right-of-way subsequently developed into a linear neighborhood park.
13	500-151-011 (City of Arcata)	P-F	NRP	C-P-F	C-NRP	To correlate designations with the emergent wetlands ESHA that has developed on this former roadway median.
14	503-211-005 (City of Arcata)	NRP	P-F	C-NRP	C-P-F	To reflect the current use of this portion of the City's corporation yard for bio-solids land application and other miscellaneous civic uses.

Implementation Plan Text Amendment

In addition to the proposed site-specific changes to the land use and zoning maps, the City also proposes to amend the section of the IP that incorporates and describes the map accompanying the text of the zoning ordinance. The City proposes to amend section 1-0203 of the Coastal Land Use and Development Guide (CLUDG). Shown below are the revised text deletions and additions proposed by the County in ~~single-strikeout~~ and single-underline, respectively:

The designations, location and boundaries of the zoning districts referred to in this title are hereby established by and delineated upon the map entitled "Land Use Plan and Zoning Map", (sic) which is hereby adopted and by this reference incorporated herein as a part of this title. The map hereby adopted supersedes the maps and all subsequent amendments thereto, adopted by Ordinances 1071 and 1151. The Coastal Zoning Map shall consist of only that portion of the territory of the City of Arcata ~~delineated within the boundary of the Coastal Zone~~ as established and maintained on official maps by the California Coastal Commission, and as generally shown on the revised Land Use Plan and Zoning Map adopted herein. The map consists of four (4) sections, which taken together, encompass the entire territory of the City within the Coastal Zone.

3. ENVIRONMENTAL SETTING AND OVERVIEW

The City of Arcata is located in Humboldt County, along the north-northeastern shoreline of Arcata Bay, the northern lobe of Humboldt Bay. Humboldt County covers approximately 10,500 square miles, with an overall population of approximately 134,600.¹ Arcata is one of four incorporated coastal cities, with a population of more than 17,200 people and together with the nearby City of Eureka, and the unincorporated McKinleyville area, represents one of the primary urbanized commercial and residential areas within the County's coastal zone. Arcata is also home to the campus of Humboldt State University, hosting a current student body population of approximately 8,300 enrolled students.

The coastal zone covers a relatively narrow area of Arcata, varying in width from several hundred feet to more than $\frac{3}{4}$ mile. The City's area of the coastal zone extends south along the City's western municipal boundary to a line running primarily parallel with, and setback approximately 3.4-of-a-mile from, the City's shoreline along Arcata Bay—the northern lobe of Humboldt Bay. The coastal zone boundary then extends southward to encompass the former intertidal, reclaimed agricultural lands in the Bayside community area to the south east of the City's urban center (see Exhibit Nos. 5-7). With the exception of the aforementioned agricultural lands and the portions of the City comprising the Arcata Marsh and Wildlife Sanctuary complex, all of the City's coastal zone is situated within an established Urban Services Boundary in which domestic and process water supplies and and/or wastewater disposal are provided. Highway services oriented commercial land uses are located primarily along the State Routes 101, 255, and 299 corridors that bisect and cross the City's medial axes and northern periphery. Lands along SR 255/Samoa Boulevard and extending along and west of lower K Street are designated for industrial development to varying intensities, primarily related to the

¹ U.S. Census, 2010.

area's past timber products processing. Residential neighborhoods are located within a traditional street grid in proximity to the downtown area and in defined neighborhood areas on the City's western perimeter.

The majority of the coastal zone within the area spanning from the McDaniel Slough Restoration Project site eastward along the shoreline and reclaimed lands adjoining Arcata Bay to the mouth of Jacoby Creek south of the downtown, is designated for a combination of public facility and open space uses, chiefly as public parkland and the City's municipal wastewater treatment plant. With the exception of a series of nodes of public parkland, public facilities, two multi-family apartment areas, and low-density residential development along the collector street eastern extension of Samoa Boulevard, the majority of the area south of the downtown and the City's southeastern boundary east of Highway 101 is designated and currently used for agricultural grazing and fish and wildlife restoration uses.

In addition to the variety of natural areas within the City itself, an assortment of other significant public lands lie in relatively close proximity, including Redwood National Park, a half-hour's drive to the north, where some of the world's tallest coastal redwood trees are found, as well as several state park and beach units. In addition, the rugged, relatively pristine open ocean coast and placid bay margins provides miles of uncrowded shoreline for exploring. Several other federal and state park, beach, and wildlife refuge units, and other publicly-owned and maintained parks and recreational facilities are also located within the City's vicinity, including, from north to south, Mad River County Park, units of the Humboldt Bay National Wildlife Refuge, and Arcata Marsh and Wildlife Sanctuary, and the Arcata Community Forest to the east. The presence of these natural attractions and events, such as "Godwit Days" and the Arcata Oyster Festival, are boosting nature-based tourism into steadily becoming a significant industry in the area, attracting visitors from around the globe.

The Commission effectively certified the City's original LCP on October 10, 1989, at which time the City assumed permit-issuing authority. The currently certified LCP consists of the original LUP and IP, its associated maps, and various LCP amendments submitted by the City and certified by the Commission over the years since 1989. The Commission has certified a total of twelve LCP amendments since certification of the original LCP.

The certified LUP is the Coastal Land Use Element of the Arcata General Plan. The LUP provides general goals and policies governing development throughout those portions of the city within the coastal zone. The plan document is based on "policy groups" drawn from the California Coastal Act (e.g., "Public Access," Marine and Water Resources," Visual Resources"). The plan contains six policy group chapters and 13 appendices providing salient inventory tables, maps, or technical report entries associated with the foregoing policy text.

The currently certified Arcata LCP Implementation Program (IP) is known as the Land Use and Development Guide (LUDG). The IP is primarily chartered as Municipal Code Title IX – Planning and Zoning, consisting primarily of a series of four ordinances addressing coastal zoning, land divisions, city-wide development regulations, and a set of unified development review procedures. These regulations provide definitions for the numerous land use and development terms, prescribe use and development standards applied coastal zone-wide, in specified sub-areas, and in the various zoning districts, and identify the processes by which proposed development is reviewed and permitted. In addition, procedures are set for appeals,

variances, and permit and development regulation exceptions, and amendments to zoning and land use plan designations.

In September 2011, the Commission certified with suggested modifications LCP Amendment ARC-MAJ-1-09. The amendment represented a comprehensive update to the LCP's land use plan that included all of the sites that are the subject of this LCP amendment. Subsequently, the City decided not to accept the suggested modifications proposed by the Commission and the acceptance of the amendment modifications expired the following April. Upon the receipt of local assistance grant funding from the Commission, the City is now again embarking on a comprehensive update of its LCP for the whole of the coastal zone portion of the City.

The subject LCP amendment would primarily facilitate development of light manufacturing and mixed industrial-commercial uses in relatively large areas with existing heavy industrial designations that are currently vacant, razed, or shuttered properties. The same changes to industrial-commercial designations from heavy industrial designations were certified by the Commission in 2011.

B. DENIAL OF LUP AMENDMENT LCP-1-ARC-14-0015-1 AS SUBMITTED AND APPROVAL IF MODIFIED AS SUGGESTED

1. LOCATION OF NEW DEVELOPMENT

Coastal Act Section 30250 reads, in applicable part, as follows:

- (a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.*
- (b) Where feasible, new hazardous industrial development shall be located away from existing developed areas.*
- (c) Visitor-serving facilities that cannot feasibly be located in existing developed areas shall be located in existing isolated developments or at selected points of attraction for visitors.*

All of the subject sites of the proposed LUP amendments except for Site No. 9 are located in areas within the City's urban services boundary. All of these sites within the urban services boundary are served by municipal water and wastewater systems and adequate emergency, public safety, and other public services are available to serve the range of uses allowed under both the currently certified and proposed land use designations. Site No. 9 is within the Commission's retained jurisdiction and is currently designated on the Land Use Plan map as agricultural land and is proposed to be

designated as Natural Resource Lands to reflect a previous conversion of the agricultural lands to tidelands and other natural resource habitat that was approved under a coastal development permit by the Commission. Neither the agricultural or natural resource habitat uses of the site require urban services. Therefore, the proposed amendment is consistent with Coastal Act Section 30250 to the extent that the uses and development that would be allowed by the proposed LUP designation would be located in urbanized areas with adequate services. Thus, the Commission finds that the proposed LCP amendment as submitted is consistent with Section 30250 of the Coastal Act.

The majority of the proposed land use designation changes, many of which are located over ¼-mile from the open shoreline of Humboldt Bay, would be consistent with the applicable Coastal Act Chapter 3 policies and conform with and adequately carry out the amended LUP's provisions. This is especially evident for the reclassifications of heavy industrial areas, where the subject properties would be effectively down-zoned to less intensive light industrial and commercial uses having far less potential impact to coastal resources. In addition, the changes in permissible uses would equate to reductions in air emissions and wastewater discharges, traffic generation, and the risks associated with the presence of hazardous materials used in heavy industrial processes, such as wood preservatives and adhesive compounds, and flammable compressed gasses, which would no longer be allowed under the proposed designations.

However, at three locations: (1) the municipal corporation yard parcel (Site 14); (2) the community park (Site 10); and (3) the heavy industrial lands adjoining the Humboldt Bay National Wildlife Refuge and the Arcata Marsh and Wildlife Sanctuary (Sites 2-8), the location of the proposed land use plan and/or zoning map redesignations raise substantial issues with respect to the proposed designations' consistency or conformity with the Coastal Act provisions regarding hazards minimization, protection of public recreation, and the protection of environmentally sensitive habitat areas, respectively. As discussed further below in Findings sections III.A.4 through III.A.6 below, in order for the Commission to certify these map amendments, suggested modifications are required to achieve consistency with the Coastal Act.

2. PRIORITY COASTAL USES

Coastal Act Section 30101 defines "Coastal-dependent development or use" as:

...any development or use which requires a site on, or adjacent to, the sea to be able to function at all.

Coastal Act Section 30101.3 defines "Coastal-related development" as:

...any use that is dependent on a coastal-dependent development or use.

Coastal Act Section 30213 states, in applicable part:

Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred...

Coastal Act Section 30222 states:

The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.

Coastal Act Section 30222.5 states:

Oceanfront land that is suitable for coastal dependent aquaculture shall be protected for that use, and proposals for aquaculture facilities located on those sites shall be given priority, except over other coastal dependent developments or uses.

Coastal Act section 30223 states:

Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.

Coastal Act section 30255 states:

Coastal-dependent developments shall have priority over other developments on or near the shoreline. Except as provided elsewhere in this division, coastal-dependent developments shall not be sited in a wetland. When appropriate, coastal-related developments should be accommodated within reasonable proximity to the coastal-dependent uses they support.

Coastal Act section 30260 states:

Coastal-dependent industrial facilities shall be encouraged to locate or expand within existing sites and shall be permitted reasonable long-term growth where consistent with this division. However, where new or expanded coastal-dependent industrial facilities cannot feasibly be accommodated consistent with other policies of this division, they may nonetheless be permitted in accordance with this section and Sections 30261 and 30262 if (1) alternative locations are infeasible or more environmentally damaging; (2) to do otherwise would adversely affect the public welfare; and (3) adverse environmental effects are mitigated to the maximum extent feasible.

The proposed reclassification of the Coastal Heavy Industrial (C-H-I) designated properties to the Coastal Industrial Commercial (C-I-C) designation (Sites 1-8) would have ramifications for the locations where certain priority coastal uses could be developed. Table Two provides a side-by-side comparison of the various uses currently permissible in C-H-I zones and those which would be permissible under the proposed C-I-C designations.

Table Two: Comparison of Uses Allowed in Coastal Heavy Industrial and Industrial Commercial Designations

Class of Recognized Uses	Designation	
	Coastal Heavy Industrial (C-H-I)	Coastal Industrial Commercial (C-I-C)
Principally Permitted	• Gas Stations.	• Gas Stations.

LCP-1-ARC-14-0015-1 (Multiple Sites Redesignations)

Class of Recognized Uses	Designation	
	Coastal Heavy Industrial (C-H-I)	Coastal Industrial Commercial (C-I-C)
	<ul style="list-style-type: none"> • Auto and truck service, storage and repair--includes tire recapping, body and fender shops, spray painting, bus and truck terminals, etc. Does not include wrecking yards • Repair Service—cleaning and repair of household items furniture, and appliances • Construction Services--plumbers, building contractors, carpentry, electricians, architectural offices, etc. • Construction/Farm Sales--excludes small-scale stores such as hardware and paint stores; includes lumber yards, tractor and irrigation equipment sales, heavy equipment repair and other farm supply stores. • Research and Development. • Wholesale/Warehousing. • Manufacturing--except those uses defined as Heavy Manufacturing. • Recycling center or compost operation, meeting the screening requirements of subsection 1-0306.2 Standards and Requirements (Landscaping and Screening). • Caretaker's Quarters--residential occupancy in connection with a principal nonresidential activity on the same lot, but only if the residents are required to remain on the premises for protection, scientific observation, or comparable technical purposes and may continue for a period not to exceed the duration of the principal use. Such occupancy may occur in a mobilehome. • Agriculture--includes farming and grazing activities, and accessory uses such as barns, silos, and windmills. 	<ul style="list-style-type: none"> • Auto and truck, storage, parts sales, service and repair--includes tire recapping, body and fender shops, spray painting, car washes, etc. Does not include wrecking yards. • Repair Service—cleaning and repair of household items furniture, and appliances • Construction Services--plumbers, building contractors, carpenters, electricians, etc. • Construction/Farm Sales and rentals --excludes small-scale stores such as hardware and paint stores; includes lumber yards, tractor and irrigation equipment sales, heavy equipment repair and other farm supply stores. • Research and Development. • Wholesale/Warehousing. • Manufacturing--except those uses defined as Heavy Manufacturing. • Recycling center or compost operation, meeting the screening requirements of subsection 1-0306.2 Standards and Requirements (Landscaping and Screening). • Caretaker's Quarters--residential occupancy in connection with a principal nonresidential activity on the same lot, but only if the residents are required to remain on the premises for protection, scientific observation, or comparable technical purposes and may continue for a period not to exceed the duration of the principal use. Such occupancy may occur in a mobilehome. • Agriculture--includes farming and grazing activities, and accessory uses such as barns, silos, and windmills. • Mini-storage. • Ambulance, limousine, or taxi service. • Animal hospital, kennel, or grooming parlor. • Business office, providing

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Class of Recognized Uses	Designation	
	Coastal Heavy Industrial (C-H-I)	Coastal Industrial Commercial (C-I-C)
		<p>services to businesses located on the same lot or to surrounding businesses in the zone.</p> <ul style="list-style-type: none"> Community Care Facilities to serve six (6) or fewer persons, or Limited Day Care serving twelve (12) or fewer persons, in conjunction with an approved or legal nonconforming residential use.
Conditionally Permitted	<ul style="list-style-type: none"> Indoor Commercial Recreation. Outdoor Commercial Recreation Day Care Centers. Utilities--substations, radio and TV transmission facilities, reservoirs, storage tanks, pumping stations, sewage treatment plants, and corporation and storage yards. Communications and Transportation--telephone and telegraph offices; radio TV stations; and heliports. Auto/Boat/Trailer Sales and Rentals. Other Business, excluding general retail sales unless activities are conducted primarily to provide service to permitted in the zone. Heavy Manufacturing--lumber milling, log decks, salvage or wrecking yards, animal products processing, smelting and reduction of metallic ores; manufacturing, refining, and storage of petroleum products, acids, cement, concrete, asphaltic products, and similar operations with the potential to produce dust, gas, noise or other emissions. Mini-storage. 	<ul style="list-style-type: none"> Indoor Commercial Recreation. Outdoor Commercial Recreation. Day Care Centers. Utilities--substations, radio and TV transmission facilities, reservoirs, storage tanks, pumping stations, sewage treatment plants, and corporation and storage yards. Communications and Transportation--telephone and telegraph offices; radio and TV stations; bus terminals, and heliports. Auto/Boat/Trailer Sales and Rentals. Other Business. General Retail Sales. Personal Services. General Business Offices. Restaurants/Bars. Commercial Parking Lots. Flea Markets. Bus or Truck Terminals. Recreational vehicle parks. Residential uses, other than caretakers, when the following findings are made: <ol style="list-style-type: none"> Shall only be approved if the requirements of the Noise Element of the General Plan will be met; The development· will have no significant adverse impacts on existing or anticipated business activities in the vicinity; Residential uses will not become the predominant

Class of Recognized Uses	Designation	
	Coastal Heavy Industrial (C-H-I)	Coastal Industrial Commercial (C-I-C)
		<p>uses of the I-C and C-I-C zoned properties in the area.</p> <p>5. Adequate provisions have been made to assure that all prospective occupants of residential uses will be notified that they are moving into an industrial area, within which a variety of activities occur which will not be regarded as nuisances.</p> <p>6. Community Care Facilities to serve seven (7) or more people in conjunction with a residential use.</p>

Several of the use types enumerated above could be considered priority coastal uses subject to the directives of Coastal Act policies 30213, 30222, 30222.5, 30223, 30255, and 30260. Two of these use types would no longer be recognized under the amended plan and zoning categories, including animal products processing, and the refining and storage of petroleum products. With regard to the former, the City interprets aquaculture to be a form of animal products processing. Coastal Act Section 30222.5 protects ocean front land suitable for coastal dependent aquaculture, but the sites where animal products processing would be eliminated by the proposed redesignations are not sites that are located on oceanfront land as they are separated at a significant distance from Arcata Bay by other land uses. Therefore eliminating animal products processing as a permissible use on these lands by redesignating the lands to a classification that would not allow the use is nonetheless consistent with Section 30222.5 of the Coastal Act.

Similarly, with respect to the latter refining and storage of petroleum products, none of the sites where redesignation to C-I-C would remove these activities from the list of permissible coastal related uses are located near any coastal dependent sites. Thus, eliminating the coastal related use is nonetheless consistent with Section 30255 as development of coastal related uses at such sites would not be within reasonable proximity to the coastal dependent uses they could support.

Moreover, as noted in amendment description section II.B above, the impetus for these amendments is in part due to a lack of demand over the last several decades for the various heavy industrial uses permitted in the Coastal Heavy Industrial land use classification in response to changes in the region's economic base. As a result, the majority of properties within the City designated for such heavy industrial development lay dormant and vacant while demand for lighter manufacturing sites and mixed industrial-commercial uses has become more prominent. With regard to the accommodation of other priority uses on these sites, the Commission notes that many of the same priority uses potentially allowable under the heavy industrial designations would remain potentially allowable under the proposed

industrial-commercial classifications. These uses include agriculture, indoor and outdoor commercial recreation, and visitor-serving uses such as gas stations, auto and truck repair, and auto, boat and trailer rentals. In addition, under the proposed industrial commercial designations, new priority visitor-serving uses such as restaurants and licensed premises, recreational vehicle parks, and bus terminals would become potentially developable conditionally permitted uses.

Therefore, the Commission finds that while aquaculture and petroleum product manufacturing, refining, and storage would no longer be accommodated under the proposed reclassification to industrial-commercial land uses, elimination of these uses as permissible uses on the lands currently designated as Coastal Heavy Industrial is consistent with Coastal Act policies. Elimination of aquaculture as a permissible use in the Coastal Industrial-Commercial land use classification is consistent with Section 30222.5 as these lands are not oceanfront lands suitable for coastal dependent aquaculture. Eliminating the petroleum product manufacturing, refining, and storage use is consistent with Section 30255 as the land is not within reasonable proximity to the coastal dependent industrial uses it would support. In addition, all other priority uses currently permitted on these lands under the Coastal Heavy Industrial designation will continue to be permitted under the Coastal Industrial Commercial designation. Furthermore, the Coastal Industrial Commercial designation will allow for certain additional priority uses, such as visitor serving facilities. Therefore the Commission finds the amendment consistent with the Coastal Act Chapter 3 policies addressing priority coastal uses.

3. CONVERSION OF AGRICULTURAL LANDS

Coastal Act Section 30241 states:

The maximum amount of prime agricultural land shall be maintained in agricultural production to assure the protection of the areas agricultural economy, and conflicts shall be minimized between agricultural and urban land uses through all of the following:

- (a) By establishing stable boundaries separating urban and rural areas, including, where necessary, clearly defined buffer areas to minimize conflicts between agricultural and urban land uses.*
- (b) By limiting conversions of agricultural lands around the periphery of urban areas to the lands where the viability of existing agricultural use is already severely limited by conflicts with urban uses or where the conversion of the lands would complete a logical and viable neighborhood and contribute to the establishment of a stable limit to urban development.*
- (c) By permitting the conversion of agricultural land surrounded by urban uses where the conversion of the land would be consistent with Section 30250.*
- (d) By developing available lands not suited for agriculture prior to the conversion of agricultural lands.*
- (e) By assuring that public service and facility expansions and nonagricultural development do not impair agricultural viability, either through increased assessment costs or degraded air and water quality.*
- (f) By assuring that all divisions of prime agricultural lands, except those conversions approved pursuant to subdivision (b), and all development*

adjacent to prime agricultural lands shall not diminish the productivity of such prime agricultural lands.

Coastal Act Section 30242 states:

All other lands suitable for agricultural use shall not be converted to nonagricultural uses unless (1) continued or renewed agricultural use is not feasible, or (2) such conversion would preserve prime agricultural land or concentrate development consistent with Section 30250. Any such permitted conversion shall be compatible with continued agricultural use on surrounding lands.

Among the lands proposed for redesignation are City-owned properties situated along the south side of Samoa Boulevard / State Route 255 that comprise the periphery of the McDaniel Slough Wetlands Enhancement Project (Site 9). These parcels are currently designated Agricultural Exclusive and would be reclassified to Natural Resources Protection. Consequently, this recategorization raises issues of conformance with the Coastal Act Chapter 3 policies limiting conversions of agricultural lands.

However, the Commission notes that the conversion from agricultural grazing uses to intertidal and freshwater wetland habitat restoration and enhancement uses was authorized by the Commission in 2007 by its issuance of Coastal Development Permit (CDP) 1-06-036. The grazing lands and the entire project site are within the Commission's retained jurisdiction and therefore, the standard of review for the restoration project was the Coastal Act rather than the LCP. Thus, no LCP amendment to change the designated use of the site was required at the time for the project to be approved. This report incorporates the Commission's findings for approval of CDP 1-06-036 regarding consistency of the conversion of the agricultural lands with Coastal Act sections 30241 and 30242 below.

Maintaining Maximized Production of Prime Agricultural Land

Prior to acquisition of the project site by the California Department of Fish and Wildlife (CDFW) and the City, the property comprised parts of several ranches continually used for agricultural purposes, primarily animal husbandry uses, since their reclamation from Humboldt Bay in the 1880s. Given the fine sediment size generally associated with fluvially deposited soil materials within bays and estuaries, the low relief of the area, the relatively shallow water table, and the limited amount of tillage and organic material or other soils component changes made to the site over the last century since their reclamation, these seasonally waterlogged soils and their high bulk density severely limit the types and agricultural activities that may be feasibly undertaken at the site. As a result, the primary use pattern for the site has mainly been low intensity cattle grazing land and dry season fodder production in the form of hay cropping.

Based on information derived from the Natural Resources Conservation Service (NRCS), the project site is comprised of three distinct soil mapping units: Arlynda, 0-2 percent slopes, Arlynda, 0-9 percent slopes, and Occidental, 0-2 percent slopes. The Arlynda series consists of very deep, very poorly drained soils on back swamps, depressions, meander scars, and low flood-plain steps on alluvial plains near the Pacific Ocean and along lower reaches of rivers and streams. These soils formed in alluvium derived from mixed sources. The Occidental

series consists of very deep, very poorly drained soils on reclaimed salt marshes and tidal marshes on alluvial plains. Both of these soils units are identified as hydric soils and are recognized as having several impediments to extensive agricultural uses. As a result, the NRCS has assigned Class III through VII classifications to the project site soils as a locale which has “severe limitations that reduce the choice of plants or require special conservation practices, or both.” Thus, under the NRCS land capability classification system, the soils at the project site do not meet the first criterion for the definition of prime agricultural soils.

According to information submitted by the City, based on *Soils of Western Humboldt County, California* (McLaughlin and Harradine, 1965), the project site contains Class 2 and 3 Bayside silty clay loam (Ba₂ and Ba₃) and Class 3 Loleta loam (Lo₃), which are all poorly or imperfectly drained soils with 0-3% slopes. The Ba₂ soils have a Storie Index rating of 36 and Ba₃ soils have a Storie Index rating of 49. The Storie Index for Lo₃ soils is 52; thus, the project area does not qualify as prime agricultural land under the second prong of the Coastal Act’s definition.

The third potential qualifying definition of prime agricultural land—the ability to support livestock used for the production of food and fiber with an annual carrying capacity equivalent to at least one animal-unit per acre as defined by the United States Department of Agriculture—similarly does not qualify the site as prime agricultural land. After restoration of the site to tidal and other natural habitat as authorized by CDP 1-06-036, the site is incapable of supporting agricultural activity. Even before the restoration project authorized by CDP 1-06-036, the site was not capable of supporting agricultural activity at a capacity that would qualify the land as prime agricultural land. Based on correspondence regarding the *Arcata Baylands* development, a related restoration and enhancement project site with soils similar to those on the McDaniel Slough project site, Gary Markegard, County Farm Advisor for the US Cooperative Extension, indicates that the low-lying, poorly drained, saltwater intruded, and flood-prone soils along the northern reclaimed fringes of Humboldt Bay typically require three acres per animal-unit. Finally, with regard to the site’s potential qualification as prime agricultural land based upon its potential for commercial fruit or nut crop production at specified minimal yields, the project area similarly fails to meet the criterion. Due to the maritime-influenced climate of the western Humboldt County, commercial nut production is precluded along the immediate coastal areas by the significant precipitation and limited number of warm, overcast-free days to allow for full seed maturation. In addition, due to the high bulk density of the soils underlying the project site and the relatively shallow water table, fruit and berry crops suitable for the North Coast’s temperate setting are similarly restricted to areas further inland, primarily on uplifted marine terraces and within well-developed river floodplain areas with improved drainage and more friable soil characteristics. As a result, fruit and nut production on an economically successful commercial basis is not currently, nor has ever been historically pursued in open coastal environs, such as the project area.

Therefore, based upon the above discussed set of conditions at the project site, the Commission finds that the subject site does not contain prime agricultural soils or livestock and/or crop productivity potential and the first directive of Section 30241 regarding maintaining the maximum amount of prime agricultural land in agricultural production is therefore not applicable to the project site.

Minimizing Conflicts between Agricultural and Urban Land Uses

Prior to the development approved under CDP 1-06-036, seasonal livestock grazing occurred on approximately 67 acres of the northeastern quarter of the project site (see Exhibit No. 5). The approved project entailed alterations in site hydrology and the coverage of portions of the project site with permanent structures that would prevent future agricultural use of the property. The construction of the flood- and eco-levees and associated breaching of the reclamation levee to allow intertidal flows of bay water into the site, and the brackish and freshwater impoundments excluded grazing from the whole of the previously grazed area. Section 30241 requires that conflicts between urban and agricultural land uses be minimized through various measures set forth in the criteria of subsections (a) through (f).

The Commission finds that the conversion of grazing lands to habitat restoration and enhancement use resulting from the redesignation of the land from Agricultural Exclusive to Natural Resource Protection occurs around the periphery of an urban area and is consistent with the above criteria on Section 30241 for minimizing conflicts between urban and agricultural use for the following reasons:

(a) Establishing Stable Boundaries between Urban and Rural Uses

Section 30241(a) requires that conflicts be minimized between agricultural and urban land uses by establishing stable boundaries separating urban and rural areas, including, where necessary, clearly defined buffer areas to minimize conflicts between agricultural and urban land uses. The subject parcels are situated at the City of Arcata's western entry along State Route 255. The subject parcels are juxtaposed between public facility, commercial-light industrial, heavy industrial, and residential uses to the southeast, east and north (i.e., Arcata Marsh and Wildlife Sanctuary /Municipal Wastewater Treatment Facility, Little Lake Industrial Park, Johnson Industries, and Industrial Electric Company, Humboldt County Waste Management Authority Transfer Station, *Villa Way* and *Windsong Village* subdivisions) and large tracts of agricultural and natural resource lands further to the west and south (i.e., Dias, DeMello, Moranda, Santos, and Lambert ranch holdings, CDFW Mad River Slough Wildlife Area, open waters of Humboldt Bay). Given this location relative to adjoining land uses, redesignation of the land from Agricultural Exclusive to Natural Resource Protection serves to minimize conflicts between agricultural and urban land uses by establishing a stable boundary separating urban and rural areas, thereby providing a clearly defined buffer between potentially incompatible uses.

(b) Limiting Conversions around Urban Periphery to Complete Stable Boundaries

Section 30241(b) requires that conflicts be minimized between agricultural and urban land uses by limiting conversions of agricultural lands around the periphery of urban areas to the lands where the viability of existing agricultural use is already severely limited by conflicts with urban uses or where the conversion of the lands would complete a logical and viable neighborhood and contribute to the establishment of a stable limit to urban development. The proposed conversion of agricultural lands constitutes a conversion of agricultural land around the periphery of urban areas where the viability of existing agricultural use is already severely limited by conflicts with urban uses, namely light, noise, and human activity, and stormwater runoff associated with the industrial and commercial areas to the east and northeast. Given this location relative to adjoining land uses, redesignation of the land from Agricultural Exclusive to Natural Resource Protection contributes to the creation of a two-mile wide continuous band of fish and wildlife refuge area spanning from the eastern side of

the Arcata Marsh and Wildlife Sanctuary at mouth of Jolly Giant Creek/Butcher's Slough westerly to the far side of the CDFW's Mad River Slough Wildlife Area. Such a significant land area effectively precludes further westward expansion of the City of Arcata into the agricultural and open space lands of the southern Arcata Bottom significantly reducing pressures for conversion of the remaining agricultural lands to nonagricultural uses. Moreover, the conversion of these grazing lands completes a logical and viable neighborhood by expanding the current bayfront natural conservation lands comprising the Arcata Marsh and Wildlife Sanctuary, the Butcher's Slough Restoration Area, and South I Street Freshwater Pond Enhancement Site around the southwest periphery of the City, establishing a stable limit on the encroachment of urban development into the agricultural areas comprising the Arcata Bottom.

(c) Limiting Conversions around Urban Periphery to Areas Able to Accommodate the Conversion

Section 30241(c) requires that conflicts be minimized between agricultural and urban land uses by permitting the conversion of agricultural land surrounded by urban uses only where the conversion of the land would be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources.

The change in land use designation converts lands formerly used for agriculture and designated Agriculture Exclusive to lands used as restored habitat and open space and designated as Natural Resource Protection. Unlike other forms of development and land use, the use of the land for habitat and open space purposes does not require provision of sewer and water supply services and many other public services to accommodate it. However, as a wildlife habitat area with public access, the site does require land management services and law enforcement. Land management of the habitat and law enforcement is provided by (1) the City, which manages the larger Arcata Marsh and Wildlife Sanctuary that encompasses the easterly portions of the site and lands further east, and (2) by the California Department of Fish and Wildlife, which manages the larger Mad River Slough Wildlife Area that encompasses the westerly portions of the site and lands further west. As land management services and law enforcement are provided by the two public agencies, the subject property is located in an area able to accommodate the restored habitat and open space uses of the site. The conversion of agricultural land will not have significant adverse effects, either individually or cumulatively, on coastal resources.

As noted above, the site of the 67 acres to be redesignated from Agricultural Exclusive to Natural Resource Protection is surrounded by, and contiguous with urban uses on one side and additional agricultural and fish and wildlife refuge areas on the other side. The predominant open space nature of the uses under the proposed Natural Resource Protection designation will not result in land use conflicts by introducing a potentially incompatible use (e.g., residential development) in close proximity to the industrial and public facility areas along the Samoa Boulevard corridor. Furthermore, with respect to the redesignation's effect on other agricultural operations in the surrounding area, the elimination of cattle grazing from the subject 67 acres eliminates grazing for approximately 22 animal-units, which, based on the analysis by the County's Farm Advisor discussed above, is not significant from a regional perspective. In addition, considering the continued side-by-side coexistence of similar agricultural operations with the numerous other wetland restoration and enhancement

work undertaken by the City in the surrounding area, the redesignation will not result in significant cumulative adverse effects on the viability of existing agricultural grazing lands or operations within the North Bay / Arcata Bottom area. Accordingly, redesignation from Agricultural Exclusive to Natural Resource Protection does not have significant adverse impacts, either individually or cumulatively, on coastal resources.

(d) Develop Lands Not Suitable for Agriculture First Before Converting Agricultural Lands

Section 30241(d) requires that conflicts be minimized between agricultural and urban land uses by developing available lands not suited for agriculture prior to the conversion of agricultural lands. The conversion of the 67 acres of lands designated Agricultural Exclusive to Natural Resource Protection around the periphery of an urban area occurs on land no longer suited for agriculture use and avoids conversion of productive agricultural lands. In that sense, the land use reclassification of the site only facilitates development for natural resource protection purposes of land not suited for agriculture, avoiding the conversion of productive agricultural lands first for such purposes. As noted above, after restoration of the site to tidal and other natural habitat as authorized by CDP 1-06-036, the site is incapable of supporting agricultural activity. Even before the restoration project authorized by CDP 1-06-036, the agricultural value of the site was very limited. A combination of deferred maintenance of the reclamation levee's tidegates and ongoing subsidence of the area had caused substantial saltwater intrusion into portions of the former grazing lands, resulting in saline soil levels toxic to many of the established crop cover within the agricultural lands and further limiting the seasonal use of these lands for open grazing. With the listing of the tidewater goby as an endangered species and the identification of the borrow ditching and tidal sloughs within the draft recovery plan, the U.S. Fish and Wildlife Service indicated that the Service would not support the replacement of the malfunctioning tidegates on Arcata Bay as habitat utilization had been established in the area and cutting off the tidal flux to the area would have constituted a form of "take" prohibited by the federal Endangered Species Act. Accordingly, given the mandated allowance for continued intrusion of saltwater onto the subject property, ongoing regional subsidence, and predicted incremental rise in sea level, the suitability of the grazing lands for continued agricultural use was expected to continue to degrade over time and be completely extinguished by these forces within a decade.

(e) Avoid Nonagricultural Development That Would Impair Viability of Agricultural Lands through Increased Assessments and Degradation of Air and Water Quality

Section 30241(e) requires that conflicts be minimized between agricultural and urban land uses by assuring that public service and facility expansions and nonagricultural development do not impair agricultural viability, either through increased assessment costs or degraded air and water quality. The habitat restoration development that will be facilitated by the redesignation of the site from Agricultural Exclusive to Natural Resource Protection will not impair agricultural viability through increased financial assessments or degradation of air and water quality. The redesignation of the lands does not involve an extension of utility lines or similar public services on the site or to adjacent agricultural lands. Therefore, the conversion of agricultural lands does not result in the development of infrastructure that would be financed through assessments levied against the adjoining agricultural properties. Furthermore, redesignation of the lands from Agricultural Exclusive to Natural Resource Protection does not result in emissions or discharges that would degrade air and water quality and thereby impact agricultural viability of the surrounding agricultural lands.

(f) Avoid Diminishment in Productivity Associated with Divisions of Prime Agricultural Land

Section 30241(f) requires that conflicts be minimized between agricultural and urban land uses by assuring that all divisions of prime agricultural lands, except those conversions approved pursuant to subdivision (b), and all development adjacent to prime agricultural lands does not diminish the productivity of such prime agricultural lands. This particular land use conflict minimization measure is not applicable as the conversion of agricultural lands does not entail a subdivision of prime agricultural lands.

The Commission finds that the proposed conversion of agricultural lands, represented by the redesignation of Site 9 from Agricultural Exclusion to Natural Resources Protection, is consistent with Sections 30241 and 30242 of the Coastal Act as the proposed discontinuation of agricultural uses does not occur on prime agricultural land as defined by the Coastal Act and occurs on agricultural lands that: (1) are located around the periphery of an urban area; (2) were declining in quality due to continuing subsidence and saltwater intrusion; (3) does not adversely affect the viability of agricultural uses on adjoining areas; (4) establishes a stable boundary separating urban and rural areas; and (5) serves to minimize urban-rural land use conflicts.

4. MINIMIZATION OF HAZARDS

Coastal Act Section 30253 reads, in applicable part, as follows:

New development shall do all of the following:

(a) Minimize risks to life and property in areas of high geologic, flood, and fire hazard...

The subject LCP amendment seeks to reclassify the land use designations on properties which, to varying degrees, are all subject to exposure to one or more geologic, flood or wildfire hazards. These hazards are associated with the properties' inherent location at low elevations within a very seismically active portion of the state, in proximity to open coastal waters, and, in some cases, are situated adjoining open grasslands at the edge of the urban: rural interface.

With respect to earthquake and ground failure related hazards, the totality of the City, as well as the whole northern coast of California, is subject to significant seismic shaking and other risks associated with tectonic movement along the Cascadia Subduction Zone, the 750-mile-long thrust fault system lying offshore. Moreover, all of the sites are identified on the City general plan's hazard map as having "high" to "moderate" liquefaction potential. In addition to losses associated with seismic shaking, structures located in liquefaction prone areas can be further damaged by uneven foundation settlement and subsidence.

With respect to coastal flooding hazards, much of the City south of Samoa Boulevard / State Route 255 and west of Old Arcata lay within either coastal flooding or 100-year floodplain areas as mapped by the Federal Emergency Management Agency. These areas are subject to inundation by a combination of high water flows and storm surge. In addition, portions of the subject properties, along with many others around Humboldt Bay, are shown on

emergency planning maps published in 2009 by the California Emergency Management Agency, California Geologic Survey, and University of Southern California as being within the zone of potential inundation by a tsunami. If the region were to suffer a major earthquake along the Cascadia Subduction Zone, a local tsunami could hit the Humboldt Bay shoreline within minutes.

The precise maximum depth of inundation for a tsunami has not been determined for the properties proposed to be redesignated. While other development sites with direct beach frontage or proximity to open ocean waters have been assessed as being potentially subject to modeled inundation of 30 feet or more above mean sea level, given the sites' distance from the mouth of Humboldt Bay and the large mudflat and marsh plain configuration of Arcata Bay and surrounding lands, such a wave height would be expected to attenuate to some degree before reaching the subject properties.

Compounding the potential risk exposure is the compounding effect of sea level rise. According to the State's 2010 sea-level rise interim guidance document, sea level is projected to rise 5 to 8 inches by 2030, 10 to 17 inches by 2050, 17 to 32 inches by 2070, and 31 to 69 inches by 2100. The ranges in the projections of sea level rise are based on a range of modeling results. For dates after 2050, the ranges of sea level rise also are based on low, medium, and high future greenhouse gas emission scenarios. The State Coastal Conservancy and the State Lands Commission have adopted the use of 55 inches (140 cm) of sea level rise for 2100 which is consistent with the average of the models of sea level rise for 2100 based on a high future greenhouse gas emission scenario.

All of the properties proposed for redesignation are located in or near urbanized areas, have pre-existing industrial or public facility site development histories, do not entail changes from resource or other open space categories to more development facilitating designations, and are served by support infrastructure, including first responder public safety fire, police, and medical aid services. Additionally, the majority of the amendment involves changes from heavy industrial to a light manufacturing oriented, mixed industrial-commercial classification. Furthermore, none of the proposed land use plan redesignations would result in the introduction of new or greater densities of residential development that would increase the number of persons exposed to these hazards.

Moreover, the Commission notes that regardless of any reclassification of land use designations, other requirements in the LCP directing that geologic soils report be prepared for any project at these sites would remain unchanged. Consequently, geologic risks can typically be mitigated by the incorporation of specific design features, as may be recommended in such studies, within the foundations and framing of any new structures for improvements that may be developed at the sites. Such design measures, depending upon the size and type of structure, may include for example, the use of mat slab or a stiffened slab on grade with continuous concrete perimeter footing in combination with isolated interior spread footings, and shear wall bracing. Similarly, flood hazards can be mitigated through the use of flow-through foundations, and other forms of "wet" and "dry" floodproofing in the design of the site improvements. Likewise, fire hazards risks can be reduced by requiring suppression sprinklering, enhanced barrier construction in walls and ceilings, and hazardous materials storage and handling protocols in the development at the site. Any coastal development permit granted for new development in these areas must be found consistent with LCP

policies, including the geologic soils report requirement. In its review of coastal development permit applications, the City, and the Commission on appeal, will have the opportunity to consider hazard mitigation measures.

Regardless of whether the existing certified land use designations are sustained or changed to those proposed, development on the majority of the subject sites will continue to be exposed to risks of exposures to one or more geologic, flood, and fire hazards to some varying amount. However, insofar as no new residential development would result from the requested land use reclassifications, a net increase in human occupancy and related exposure to risks would not result. Accordingly, provided appropriate design and siting mitigation to minimize hazards is included within the plans for any subsequent improvements, development of the properties with uses potentially allowable under the proposed redesignations can occur consistent with Section 30253.

The Commission further notes that in addition to the proposed redesignations requested by this LCP amendment, the City is currently undertaking a comprehensive update of its LCP, as funded in part by the Commission's planning assistance grants program. Of the \$54,000 awarded, \$10,000 has been specifically slated for development of a Sea Level Rise Scenarios Report. The report will, from an all-inclusive, City-wide basis, assess, map, and identify adaptation and resiliency strategies to be incorporated in the review and approval of new development, including those areas proposed for redesignation under the subject LCP amendment. The City is under a contractual obligation to complete the SLR Scenario Report as part of the overall scope of the funded LCP update.

The Commission finds that one of the properties proposed for redesignation does raise a more heightened issue of conformance with the Coastal Act's hazards minimization provisions given its location in close proximity to the waters of Humboldt Bay and the potential for development of critical and non-critical public facilities that the amendment might facilitate: A portion of the City's municipal corporation yard is being requested to be reclassified from Natural Resources Protection to Public Facilities (Site 14) to better reflect the use being made of the site. The subject property comprises a 0.3-acre parcel lying on the northeastern periphery of the corporation yard that has been utilized for decades, including for periods before the adoption of the Coastal Act, for the drying of bio-solids originating at the adjoining wastewater treatment plant and storage of sundry heavy equipment and materials. As this use of the site was legally established prior to designation of the site as Natural Resources Protection when the LCP was originally certified, the bio-solids dewatering and storage yard activities constitute a legal nonconforming use under the site's NRP designations.

Notwithstanding this long period of use, the parcel proposed for redesignation, together with the whole of the wastewater treatment plant / corporation yard complex, is situated at a near sea level elevation on the northern margins of Arcata Bay where it is exposed to a variety of geologic and coastal flooding hazards from seismic shaking and related ground failures, including liquefaction instigated subsidence, and storm surge and tsunami inundation. As noted previously, these latter flooding hazards are anticipated to be further exacerbated with sea level rise of as much as 55 inches over the remaining portions of this century.

Designation of the site as Public Facilities would allow for a range of uses including fire and police stations that must be protected from such flood hazard risks to function and serve their public safety purposes. In discussions between Commission and City staff regarding the inherent risks at the site, the City planning staff acknowledged long term facilities planning was underway to relocate the portions of the corporation yard uses not requiring a shoreline location to a more upland location across town. Accordingly, as the current bio-solids decanting and storage yard uses of APN 503-211-005 could be continued uninterrupted as legal nonconforming uses, and as planning is underway to relocate many of the uses in the corporation yard, City staff agreed to retention of the current Natural Resources Protection designations. Therefore, the Commission recommends Suggested Modification No. 1, below.

Suggested Modification 1: Retain the Natural Resources Protection land use plan and zoning map designations over APN 503-211-005 (portion of municipal corporation yard).

The LUP amendment as submitted is inconsistent with the policies of the Coastal Act and the LCP requiring that exposure to geologic and flooding risks be minimized and must be denied. As modified, however, the proposed LUP amendment is consistent with Section 30253, as permissible uses on the subject parcel would be limited to wildlife habitat management activities, and agriculture; aquaculture; utilities (telecommunications uses including, television and radio transmission facilities; pumping stations and WWTP); boat launching facilities; marinas and boat houses. Such imposed limitations on developable uses to those which do not entail human habitation and occupation and whose design can incorporate features to be resilient to geologic and flooding risks would be consistent with the directive of Section 30253 to minimize exposure of persons and property to such hazards. Furthermore, the Commission notes that given its location within the Commission's retained/original jurisdiction, any future new development of uses allowed under the retained NRP designations will require the review and approval of coastal development permits by the Commission.

Therefore the Commission finds the LCP amendment with the inclusion of Suggested Modification 1 would be consistent with Coastal Act section 30253.

5. PROTECTION OF PUBLIC RECREATION

Coastal Act Section 30252 reads, in applicable part:

The location and amount of new development should maintain and enhance public access to the coast by... (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development. [Emphasis added.]

Coastal Section 30253 states, in applicable part:

New development shall do all of the following:...

(e) Where appropriate, protect special communities and neighborhoods that, because of their unique characteristics, are popular visitor destination points for recreational uses.

Twelve of the fourteen sites proposed for redesignation do not raise issues of consistency with the Coastal Act's public recreation policies. None of these 12 sites proposed for redesignation involve establishment of new permissible residential uses or changes to the allowable development density of residential uses from which increased use or demand for public recreational areas would result. In addition, the proposed redesignation of many of these sites from Heavy Industry to Industrial Commercial will not eliminate the recreational uses that are currently permissible at these sites. Development of both outdoor and indoor commercial recreation remain recognized conditionally permitted uses in both the existing and proposed land use classifications.

With respect to the redesignation of the Rotary Park property (Site 12), this small, linear park facility was developed after vacation of a street right-of-way within the grid of the South of Samoa neighborhood in the late 1970s, prior to the initial certification of the City's LCP in 1983. In developing the combined land use plan/zoning map, designation of the site as parkland was overlooked, likely due to its small size. The LCP identifies no future need to convert the park site back to a street serving the this largely low-density residential area, and application of the Public Facilities designation to the property would correspond to the actual developed park use of the site. In addition, application of the Public Facility designation would increase the amount of public recreational park area formally designated on the Land Use Plan/Zoning Map by 0.3-acre and help ensure that the land remains in park use in the future. By ensuring the retention of park land, the redesignation will help ensure the recreational needs of residents are met without overloading nearby coastal recreational areas consistent with Section 30252.

Redesignation of the Arcata Community Park site to Public Facilities would adversely affect public recreation. Together with Redwood Park, situated on the flanks of Fickle Hill to the east, the Arcata Community Park represent the two self-named "community parks" in Arcata. Encompassing nearly 31 acres, the Arcata Community Park is the City's largest active parks facility, representing a full third of Arcata's developed park system. The Arcata Community Park is comprised of a series of dedicated baseball, soccer, and multi-sports outdoor playfields, a community center containing basketball courts together with meeting rooms and facilities housing numerous arts & crafts activities, seniors programs, and non-profit events, and a commercial recreational gymnasium. The park is bracketed on its northeastern and eastern sides by open space areas comprising uplifted marine terrace hillsides and the park is bracketed on its western and southwestern sides by lacustrine and emergent freshwater wetlands. The facility's improvements were developed over the six-year period spanning 1985 through 1991 (see Commission CDP 1-84-201 and Arcata CDP-91-10).

The City proposes to amend the facility's "Coastal Public Facility - Parks" (P) land use plan to "Public Facility" to match the implementing "Coastal Public Facility" (C-P-F) zoning designation. The City states that the purpose of this reclassification is to "(allow for) a greater variety of municipal uses such as public services and administrative offices including police and fire stations, post offices and the like, that are not allowed in the P land use

classification. This change would also accommodate the existing small maintenance yard to the east of the HealthSPORT facility and allow for a broader variety of conditionally permitted uses.” However, the City notes that it currently has no specific plans for development other than parks and recreational uses that the more expansive plan designation might facilitate.

Coastal Act sections 30252 and 30253 set requirements for reviewing the effects of new development on a variety of public facilities and infrastructure, including roads, parking, public transit, coastal public recreational sites, and special communities and neighborhoods. Section 30252 requires that the location and amount of new development should maintain and enhance public access to the coast by, among other means, assuring that the recreational needs of residents will not overload nearby coastal recreation areas.

As is the case with most certified LUPs, the City of Arcata’s LUP includes a section listing land use classifications that are applied to the various parts of the coastal zone. The Arcata LUP lists a total of 14 land use classifications. Unlike most certified land use plans, however, the City’s land use plan does not list permissible uses for each land use classification. Section 5-0102 of the Coastal Zoning Ordinance states the following:

In order to eliminate confusion and possible inconsistency between the General Plan and Coastal Zoning Ordinance, the City of Arcata shall utilize a single Coastal General Plan and Zoning Land Use Map.

Permissible uses are thus generally determined by the matching zoning district that is applied to the site. For all land use classifications except the “Public Facility – Parks” and “Coastal Public Facility” classifications, there is a one-to-one match of one unique zoning district per each land use classification. For example, under the Coastal General Commercial (CGC) land use classification, there is only one implementing zoning district, the Coastal General Commercial (C-G-C) zoning district. This zoning district does not implement any other land use classification. This direct matchup of one zoning district per land use classification is reflected in the City’s use of a single General Plan Coastal Land Use Element and Zoning Land Use Map. As the land use classifications and zoning districts match, permissible uses can be determined by simply referring to the list of principally permitted and conditional uses permissible under the applicable zoning district. However, the Coastal General Plan and Zoning Land Use Map has a separate “Public Facilities (Park)” and a more general “Public Facilities” designation and both land use classifications are implemented by the same zoning district, the “Coastal Public Facilities” (C-P-F) zoning district. The City’s Coastal Public Facilities zoning district includes a range of permissible uses reflective of the broader range of uses typically allowed in public facilities zoning districts enacted in most local communities rather than the more limited range of uses that are typically allowed in parks zoning districts enacted by most local communities.

Table Two lists the uses allowed in C-P-F zoning district:

Table Two: Uses Allowed in Coastal Public Facilities Zoning District

C-P-F Zoning District Recognized Uses	Permissible Uses
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C-P-F Zoning District Recognized Uses	Permissible Uses
Principally Permitted	<ul style="list-style-type: none"> • Agriculture – includes farming and grazing activities, and forestry • Public Services and Administrative Offices--police and fire stations, post offices, and public parking lots • Parks, Golf Courses, Public Stables, Zoos, and Other Recreational Facilities
Conditionally Permitted	<ul style="list-style-type: none"> • Medical Offices – includes public health offices and clinics • Schools and Educational Activities – including nursery schools • Limited childcare for more than twelve (12) children • Community Care Facilities for more than six (6) people • Cultural activities – museums, art galleries, and libraries • Community Assembly – public, parochial, and private non-profit clubs, lodges, meeting halls, recreational centers, and other fraternal and social organizations; auditoriums • Community Gardens • Communications and Transportation – telephone and telegraph offices; radio and TV stations; heliports and bus stations; bicycles paths • Utilities – substations, radio and television transmission facilities, reservoirs, storage tanks, pumping stations, sewage treatment plants, and corporation and storage yards

The LCP does not explain in detail how the “Coastal Public Facilities” zoning district is meant to implement the “Public Facility – Parks” land use classification. However, insofar as the LUP establishes a “Parks” public facilities designation separate and distinct from its companion “Coastal Public Facility” designation, permissible uses on lands so designated are limited to a sub-set of the range of development uses enumerated in the much broader Coastal Public Facilities zoning district standards. As noted above, the City indicates the purpose of the land use change from Public Facility – Park to Coastal Public Facility is to “(allow for) a greater variety of municipal uses such as public services and administrative offices including public and fire stations, post offices and the like, that are not allowed in the Public Facility - Parks land use classification.”

Thus, a change in the Community Park’s land use designation to Public Facility would introduce new principally and conditional permitted uses that would not be recognized as consistent with the site’s current Public Facility – Parks land use plan designation. Development of non-park uses in the Community Park would displace existing public recreational uses, causing the demand for such uses to be shifted to other parks and public areas. Unless carefully implemented as part of a comprehensive parks master plan, such conversions of parklands to other public facility uses in conjunction with new residential development elsewhere in the City could result in overcrowding impacts to coastal recreational areas, such as those within the Arcata Marsh and Wildlife Sanctuary and the McDaniel Slough Wetlands Enhancement Project sites, contrary to the directives of Coastal Act sections 30252 and 30253.

Although not a certified part of the City's LCP, the Arcata Parks and Recreation Master Plan establishes policies and standards for the provisions of parklands throughout the City. The most current version of the plan, as adopted in 2010, states the following with respect to the status of public parks within the City:

- Arcata's population is projected to increase between 0.50 and 0.63 percent annually until 2020. More than 18,500 residents are forecasted to be living in the city by the year 2020. As the population grows, there will be an increasing demand for park and recreation services.
- The Parks and Recreation Department estimates that approximately 54% of its services are provided to people who live outside of Arcata. Consequently, the Department is a regional provider that serves residents and nonresidents alike.
- New recreation amenities, facilities, and services will be needed to meet the demands of a growing population. Because the population in Arcata is growing at a slow to moderate rate, development and services should be targeted toward the age groups and geographic areas where the most growth is occurring.
- More facilities and programs will be needed to serve a growing senior population in Arcata. National trends suggest that aging baby boomers tend to remain active in physical, social and intellectual recreation opportunities.
- Because of other commitments, adults increasingly prefer informal, self-directed recreation and fitness activities over structured, directed programs. Drop-in and short-format activities, such as those provided at the Arcata Community Park and the HealthSPORT private health club, are a better fit for active lifestyles.
- The current level of active recreational opportunities available at the centralized community park units on a population to park area basis is 3.28 acres per 1,000 residents. Based on the results of the surveys and planning workshop comments, the existing park level of service was adopted as the minimum standard the City should strive to maintain for community park facilities.
- Population growth projections indicate that a deficit of more than four acres of community park facilities will be realized by 2020. With an optimum facility size of 15 to 30 acres established, there will be a intervening period of facility utilization at levels in excess of the area per capita standard until a third community park site is acquired and developed.

Thus, even with no change in the land use designation at the Arcata Community Park site that could further facilitate conversion of its park facilities to other non-recreational public facility development, the City anticipates that utilization of this community park unit will increase beyond established maximum use level densities in the next several years. Moreover, the demand for the types of recreational opportunities provided at the more centralized community park sites is viewed as likely to increase with an aging, but physically

active populace. Additionally, league sports team activities and other organized recreational programs are often at capacity, have waiting lists, or are in need of being supplemented by facilities at other sites, such as those on public school grounds. The Commission notes that other City park units are not generally developed with the specialized equipment and infrastructure to support the uses more generally provided for at community park facilities, such as playfield and court based team sporting events, pool swimming, and circuit training exercising. Thus, with the anticipated growth in future use levels at the Arcata Community Park, the conversion of portions of the park to other public facility uses that the proposed land use plan designation would facilitate could instigate shifts in parkland user patterns that result in cumulative over-crowding impacts to other park facilities, including coastal recreational sites.

In discussions between Commission and City staff regarding the possible effects further development of public facilities other than park amenities at the Community Park might have on recreational opportunities City-wide in general, and to coastal recreational facilities specifically, the City planning staff acknowledged that more detailed, long term facilities site planning of the Community Park would be a beneficial undertaking. Accordingly, City staff agreed to a suggested modification that would retain the current Coastal Public Facility – Parks designation, and instead consider what, if any, additional non-park public facilities development should be pursued at the Community Park site as part of the comprehensive LCP update that the City is in the process of developing. Therefore, the Commission recommends Suggested Modification No. 2, below.

Suggested Modification 2: Retain the Coastal Public Facility – Parks land use plan designation over APN 503-211-005 (portion of Community Park).

The LUP amendment as submitted is inconsistent with the policies of the Coastal Act and the LCP requiring that coastal public recreational facilities be protected from overcrowding and must be denied. As modified, however, the proposed LUP amendment is consistent with Section 30252 and 30253(e), as permissible uses on the subject parcel would be limited to parks development and recreational use of the Community Park will not be displaced in a manner that overloads use of nearby coastal recreation areas.

Therefore the Commission finds the LCP amendment with the inclusion of Suggested Modification 2 would be consistent with Coastal Act sections 30252 and 30253.

6. PROTECTION OF ENVIRONMENTALLY SENSITIVE HABITAT AREAS

Coastal Act Section 30107.5 defined an “environmentally sensitive area” as:

...any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.

Section 30240 of the Coastal Act states:

- (a) *Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.*
- (b) *Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.*

Three of the proposed LUP map redesignations involve lands comprising environmentally sensitive habitat areas, or would affect development on sites adjacent to ESHA. These properties entail: (1) the median area between Bayside and Old Arcata Roads at the eastern terminus of State Route 255 that has developed mature forested wetlands, to be redesignated from Public Facility to Natural Resources Protection (Site 13); (2) lands currently designated for heavy industrial development situated along the south side of Samoa Boulevard adjoining the Arcata Marsh and Wildlife Sanctuary proposed for redesignation to a lighter, mixed industrial-commercial land use plan designation (Sites 2-8); and (3) the portions of the Arcata Community Park proposed for redesignation from Public Facility (Parks) to Public Facility (Site 10).

Regarding the redesignation of the property remnant that is now a median area between Old Arcata Road and Samoa Boulevard, this former reclaimed agricultural land has assumed a mature cover of forested wetland plants with persistent standing water throughout the wet season due to the bermed containment of runoff resulting from past road construction activities. Given: (1) the environmentally sensitive habitat that has developed on the parcel; and (2) the lack of a compelling current or future need of the property for “incidental public service purposes,” such as for an expanded roadway section, redesignating the property for Nature Resource Protection uses would protect coastal resources, consistent with Coastal Act section 30240.

With respect to the lands proposed for redesignation in proximity to the fringes of the Arcata Marsh and Wildlife Sanctuary (AM&WS), the certified LCP contains ESHA buffer policies that serve to protect environmentally sensitive riverine and riparian vegetation within the AM&WS and adjoining Humboldt Bay National Wildlife Refuge (HBNWR) from adjacent development on the lands currently heavy industry. These ESHA protection measures are set forth in *General Public Works Policy IV-19*, as further detailed in the *Wetland and Creek Protection Combining Zone* and *Unified Development Review Procedures* of the CLUDG. Among other provisions, such as the establishment of buffer areas and development setbacks between environmentally sensitive areas and adjacent development, these standards require that local native plant landscaping screening be utilized to insulate these conservation areas from the lighting, noise, human activity and other impacts associated with development on adjoining heavy industrial sites. These provisions for protecting adjacent wetlands and other ESHA will for the most part continue to apply to the lands proposed to be redesignated from heavy industry to light industrial and commercial uses. However, under the new designations, the specific requirements of Policy IV-19 for the use of landscaping, screening, and other mitigation measures would no longer apply as the area would cease to be part of the “heavy industrial area” referenced in the policy.

To ensure consistency with Coastal Act Section 30240, its provisions for protecting environmentally sensitive areas, the Commission recommends Suggested Modification 3. Suggested Modification 3 would amend the wording of LUP Policy IV-19 to sustain provisions for the use of landscaping, screening, and other mitigations measures and practices protective of environmentally sensitive habitat areas in the HBNWR and AM&WS from adjacent development under the proposed industrial-commercial land use classifications. Suggested Modification No. 3 modifies Policy IV-19 by removing a modifier that limits its applicability to only heavy industrial areas as follows:

Development in the ~~Heavy~~ Industrial Area bounded by Samoa Boulevard, Butcher's Slough, and Gannon Slough should include local native plant landscaping, screenings, and other mitigations to ensure compatibility with the educational, recreational, wildlife, and other uses of the Humboldt Bay National Wildlife Refuge and the Arcata Marsh and Sanctuary.

Finally, with respect to the proposed change to the land use plan map designation for the Arcata Community Park from Public Facility (Parks) to Public Facility, the Commission notes that, as previously described in section II.B above, areas around the western and southwestern sides of the community park are comprised of riparian and emergent freshwater wetlands. Some of these habitat areas were developed as compensatory replacement mitigation for wetlands filled during site development of the various play fields in the park complex (see CDP No. 1-84-201). The redesignation to Public Facility would facilitate provisional development of wetlands for some of the public facility uses listed under that designation compared to the permitted under the current Parks classification. However, without a thorough assessment of the projected needs for public facilities, evaluation of the environmental sensitivity of the habitat resource areas on the park grounds that could be affected by development, and an investigation of alternative sites where such development might occur, redesignation of the whole of the community park to Public Facility to facilitate future development of an expanded set of land uses permissible on lands adjoining the wetlands would be premature. As noted above, City staff has acknowledged that further site facilities planning for the community park is warranted and will be considered in the development of the updated LCP. Therefore, City staff indicates it is amenable to retention of the Public Facility (Parks) designation as proposed in Suggested Modification No. 2, discussed further in Findings section III.A.5 above.

Therefore, with: (1) the recommended change to the text of Policy IV-19 to ensure that certain mitigation measures continue to be required for development adjacent to the HBNWR and AM&WS; and (2) the recommended deletion of the proposed redesignation of the Community Park to Coastal Public Facility, the Commission finds that the LUP as amended would protect ESHA resources and is consistent with Coastal Act Section 30240.

7. CONCLUSION

As discussed herein, the amendments to the land use plan maps as proposed would allow development in certain locations and at certain intensities that would not be consistent with the Chapter 3 policies of the Coastal Act. Suggested Modifications have been identified to both the land use maps themselves, and other portions of the LUP to ensure such Coastal Act

consistency. The Commission finds that if modified as suggested in Findings II.A.1 through II.A.6 above, the proposed amendment would be consistent with the policies and standards of the Coastal Act.

C. DENIAL OF IP AMENDMENT LCP-1-ARC-14-0015-1 AS SUBMITTED AND APPROVAL IF MODIFIED AS SUGGESTED

1. IP AMENDMENT SYNOPSIS

City of Arcata IP Amendment No. LCP-1-ARC-14-0015-1 would change the zoning designations of 13 properties encompassing an approximately 90.22-acre area (Sites 1-9 and 11-14). In addition, the proposed amendment includes a change to the text of Land Use and Development Guide Section 1-0203, to clarify the scope and intent of the IP's zoning maps. The amendments to the IP are described alongside the proposed changes to the LUP in Finding II.A.2 above. The specific IP zoning map and text amendments as approved by the City on December 4, 2013 appears within Ordinance No. 1437, attached as Exhibit No. 7.

2. CONFORMANCE OF ZONING MAP AMENDMENTS WITH LUP

The proposed IP amendment includes site-specific changes to the combined land use plan and zoning map. As discussed above, the Commission has determined that two of the proposed land use classification changes are not consistent with the Coastal Act. The Commission recommended Suggested Modifications 1 and 2 to delete those land use classification changes proposed by the City. With the deletion of those land use plan classification changes, the corresponding zoning district changes proposed by the City do not conform to the certified LUP map as modified. Therefore, the Commission finds that zoning designation changes as proposed under IP Amendment No. LCP-1-ARC-14-0015-1 would not conform with and would not adequately carry out the LUP land use designations, as amended. However, as discussed below, if revisions are made to the proposed IP amendment as recommended in Suggested Modifications 1 and 2, the IP as amended could be found in conformity with, and adequate to carry out the provisions of the amended LUP.

The proposed rezoning of the Arcata Community Park facility from Public Facilities (Park) to Public Facilities is also inconsistent with the recreational policies of the certified LUP.

CLUE Land Use Map Policy II-1 states, in applicable part:

The City shall adopt the following Land Use designations which shall serve as the basis for developing specific zoning districts. These are the same designations as used in the existing General Plan...

Public and Quasi-Public

- *Coastal Public Facility*
- *Coastal Public Facility (Parks)*
- *Coastal Natural Resources Protection*

CLUE Public Facilities Policy VI-1 states:

The City shall develop the community park area bounded by Highway 101, Samoa Boulevard, 7th street and Union Street as an active recreational area.

CLUE Appendix B Recreational and Visitor-Serving Facilities, states the following with respect to the Community Park facility:

The Community Park: The (Parks, Recreation and Open Space) Master Plan contains a proposal to establish Arcata Community Park in the 30-acre area bounded by 7th Street, Highway 101, Samoa Boulevard and Union Street. Included in the proposal are suggestions for both public and commercial facilities.

Public

*1 Cultural Arts Center
1 Concession Stand
2 Parking Lots
1 Picnic Shelter
6 Picnic Tables
2 Football/Soccer Fields
3 Softball Fields
10 Tennis Courts
1 Maintenance Structure
1 Barbecue (group size)
1 Restroom Facility
1 Baseball Field*

Commercial

*Handball Courts
Racquetball (8-10 courts)
Roller Skating Rink
Miniature Golf
Tennis Pro Shop
Pacific Arts Center
Skateboard Park*

Old barns on the site would be restored to serve as a community cultural center. This park would draw users from the existing apartment complexes nearby, from Arcata in general, and from out of town.

CLUDG Appendix A defines “Public Use” as:

A use operated exclusively by a government agency or public agency, which has the purpose of serving the public health, safety, convenience, or general welfare, and including, but not limited to such uses as schools, parks, playgrounds, educational recreational and social facilities, libraries, museums, firehouses, courthouses, hospitals, and administrative service facilities.

CLUE Public Facilities Policy VI-3 states:

The City shall designate the area encompassed by the Arcata Marsh and Wildlife Sanctuary as Natural Resources Protection, and identify the recreational component of the project as a passive use recreational area.

CLUE Public Facilities Policy VI-3 states:

The City shall encourage the continued use of the tideland [for] scientific and educational studies, commercial aquaculture, and recreational boating and fishing.

The Coastal Land Use Element contains provisions addressing the protection of more shoreline-proximate recreational sites. CLUE Policies VI-3 and IV-5 specifically identify the Arcata Marsh and Wildlife Sanctuary and the tidelands along Arcata's bay frontage as areas intended for both passive (e.g., hiking, cycling) and active (i.e., boating, fishing) recreational uses. With respect to planned-for development at the Arcata Community Park site proper, the CLUE's Recreational and Visitor-Serving Facilities appendix provides a list of suggested recreational and support facility improvements to be developed. The Commission notes that the list does not identify the wide range of public facility uses that would be permissible under the Public Facilities zoning district.

Therefore, the Commission finds that the proposed IP amendment change to the site's combined land use and zoning designation would also not conform with or adequately carry out the LUP's public recreation provisions. Therefore, the Commission recommends Suggested Modification No. 2, below.

Suggested Modification 2: Retain the Coastal Public Facility – Parks land use plan designation over APN 503-211-005 (portion of Community Park).

The IP amendment as submitted would not conform with, or adequately carry out the provisions of the LUP requiring that coastal public recreational facilities be protected from overcrowding and must be denied. As modified, however, the proposed IP amendment conforms with and adequately carries out the CLUE's Public Facilities and Recreational and Visitor-Serving Facilities provisions as permissible uses on the subject parcel would be limited to parks development and recreational use of the Community Park will not be displaced in a manner that overloads use of nearby coastal recreation areas. Therefore the Commission finds the IP amendment with the inclusion of Suggested Modification 2 would conform with and adequately carry out the provisions of the LUP.

3. CONFORMANCE WITH ZONING TEXT AMENDMENT TO LUP

With respect to the proposed IP text amendment, the proposed changes are minor and merely clarify verbiage rather than modify the types, locations, or densities of land uses. The Commission finds that the proposed changes to CLUDG Section 1-0203 conform with and adequately carry out the provisions of the LUP with respect to administration of its policies and standards through a zoning regulatory program.

4. CONCLUSION

Therefore the Implementation Plan Amendment as submitted does not adequately carry out the provisions of the LUP and must be denied pursuant to Section 30513 of the Coastal Act. However, with the suggested modifications to the Coastal General Plan and Zoning Land Use Map the zoning districts and land use classifications will remain in conformance. Therefore, the Commission finds the City's Implementation Program, as modified, conforms with and is adequate to carry out the requirements of the certified Land Use Plan as amended, consistent with Section 30513 of the Coastal Act.

III. CALIFORNIA ENVIRONMENTAL QUALITY ACT

As part of their local action on the subject LCP amendment, on December 4, 2013, the City of Arcata City Council found, per Title 14, Section 15061(b)(3) of the California Code of Regulations ("CEQA Guidelines,") that the map amendments are exempt from CEQA based on the fact that the amendments are intended to establish standards for which there are no impacts to the community or environment and by virtue of the fact that they are consistent with the original EIR for the City's General Plan adopted in September 2000 and the Negative Declaration adopted for the Land Use Code in October 2008.

Section 21080.9 of the California Public Resources Code – within the California Environmental Quality Act (CEQA) – exempts local government from the requirement of preparing an environmental impact report (EIR) in connection with its activities and approvals necessary for the preparation and adoption of a local coastal program. Therefore, local governments are not required to prepare an EIR in support of their proposed LCP amendments, although the Commission can and does use any environmental information that the local government submits in support of its proposed LCPA. Instead, the CEQA responsibilities are assigned to the Coastal Commission and the Commission's LCP review and approval program has been found by the Resources Agency to be the functional equivalent of the environmental review required by CEQA, pursuant to CEQA Section 21080.5. Therefore the Commission is relieved of the responsibility to prepare an EIR for each LCP.

Nevertheless, the Commission is required, in approving an LCP amendment submittal, to find that the approval of the proposed LCP, as amended, does conform with CEQA provisions, including the requirement in CEQA section 21080.5(d)(2)(A) that the amended LCP will not be approved or adopted as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. 14 C.C.R. §§ 13542(a), 13540(f), and 13555(b).

The City's LCP Amendment consists of a Land Use Plan amendment (LUP) and an Implementation Plan (IP) amendment. The Commission incorporates its findings on Coastal Act and land use plan conformity into this CEQA finding as it is set forth in full. As discussed herein, the LUP amendment as originally submitted cannot be found to be consistent with the Coastal Act. The Implementation Plan amendment as originally submitted does not conform with and is not adequate to carry out the policies of the certified LUP. The Commission, therefore, has

suggested modifications to bring the Land Use Plan into full conformance with the Coastal Act and the Implementation Plan amendment into full conformance with the certified Land Use Plan. As modified, the Commission finds that approval of the LCP amendment will not result in significant adverse environmental impacts under the meaning of the California Environmental Quality Act. Absent the incorporation of these suggested modifications to effectively mitigate potential resource impacts, such a finding could not be made.

APPENDIX A:
SUBSTANTIVE FILE DOCUMENTS

Application File for LCP-1-ARC-14-0015-1

CDP File 1-06-036 (City of Arcata Department of Environmental Services)

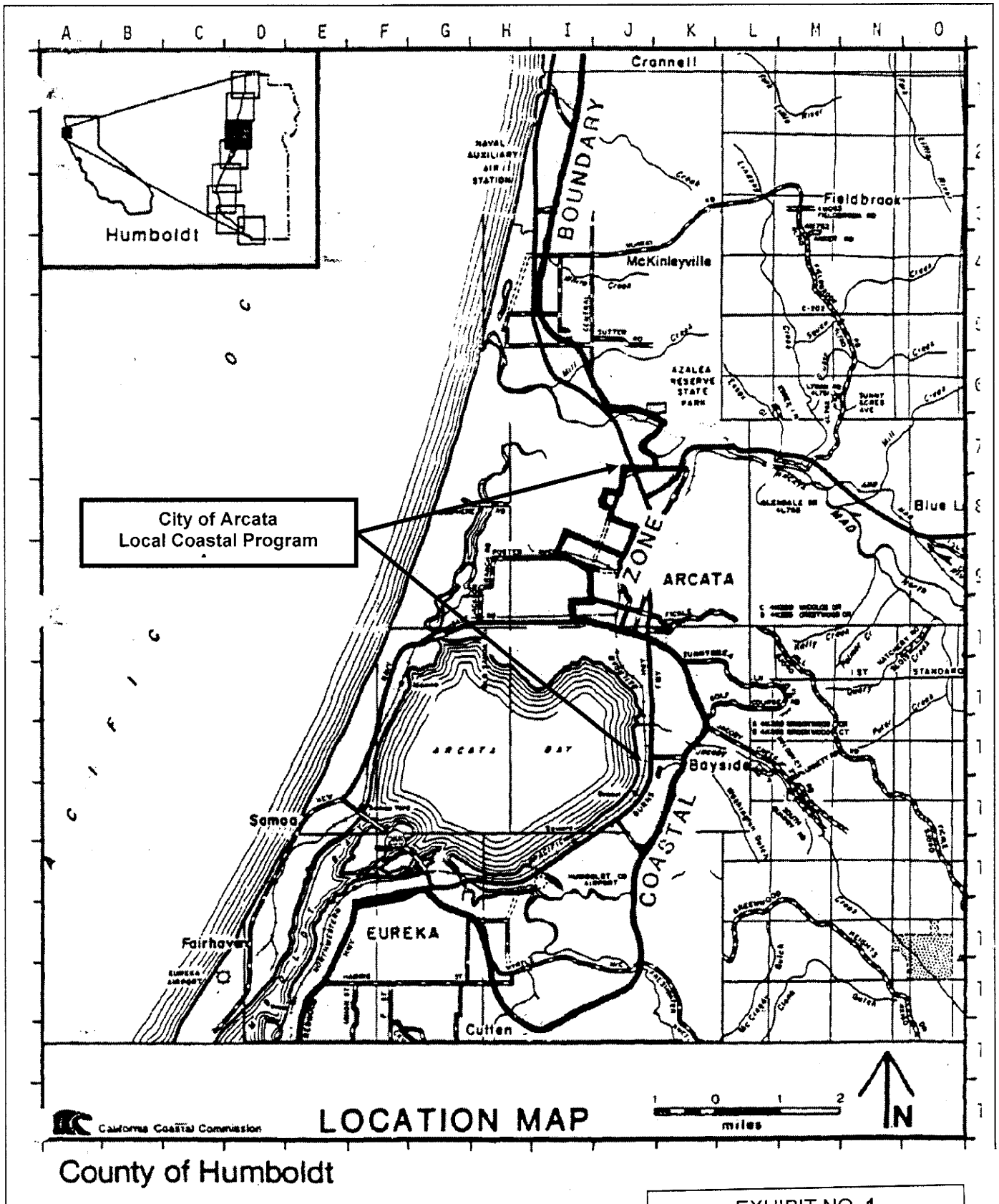
CDP File 1-84-201 (City of Arcata Department of Parks and Recreation)

City of Arcata CDP File 91-10 (HealthSPORT)

LCP Amendment File ARC-MAJ-1-09

City of Arcata Parks and Recreation Master Plan

City of Arcata Local Coastal Program

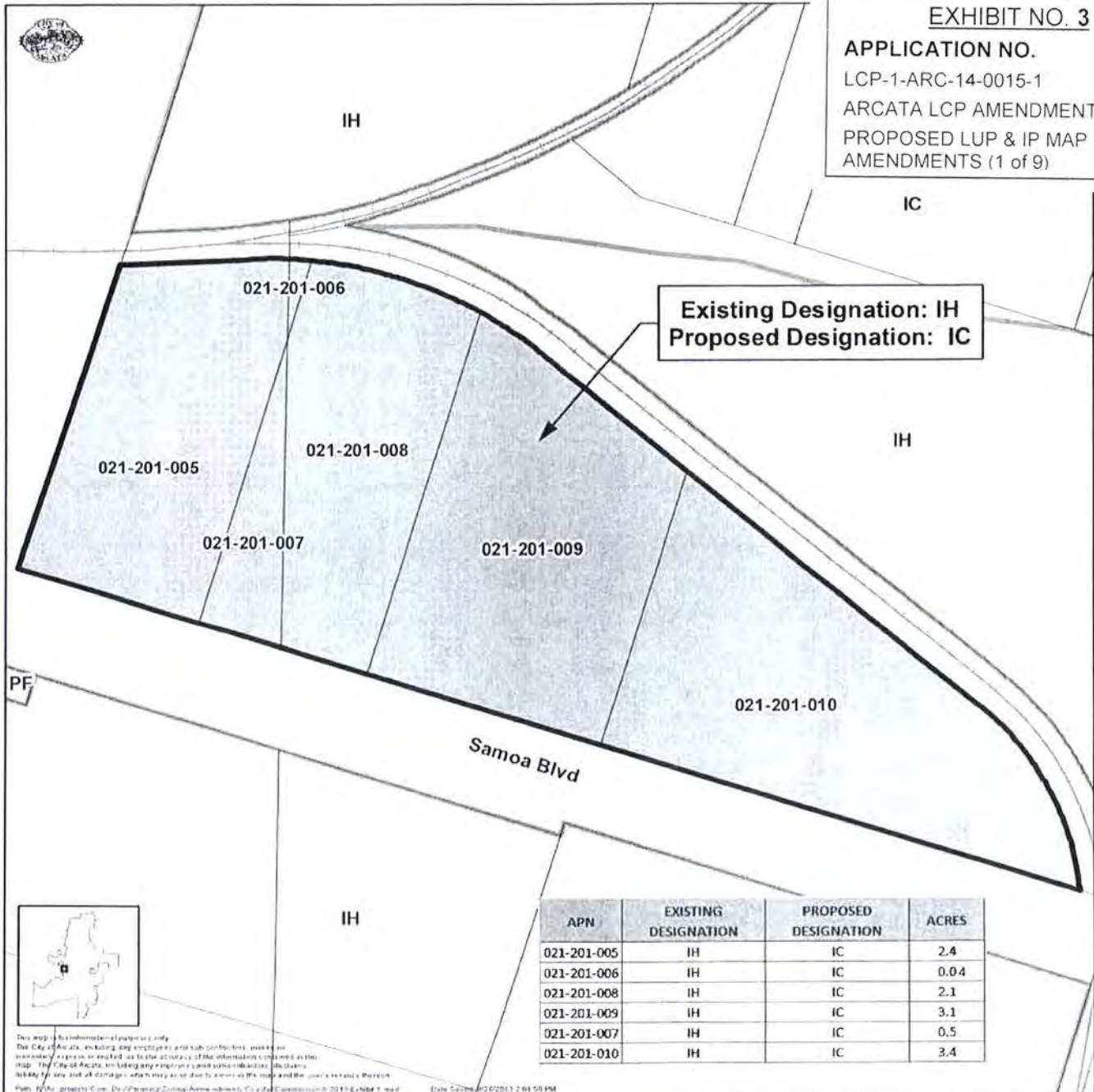


City of Arcata
Exhibit 1 of 6
Land Use/Zoning Designation Changes
 September 2013

EXHIBIT NO. 3**APPLICATION NO.**

LCP-1-ARC-14-0015-1

ARCATA LCP AMENDMENT

PROPOSED LUP & IP MAP
AMENDMENTS (1 of 9)

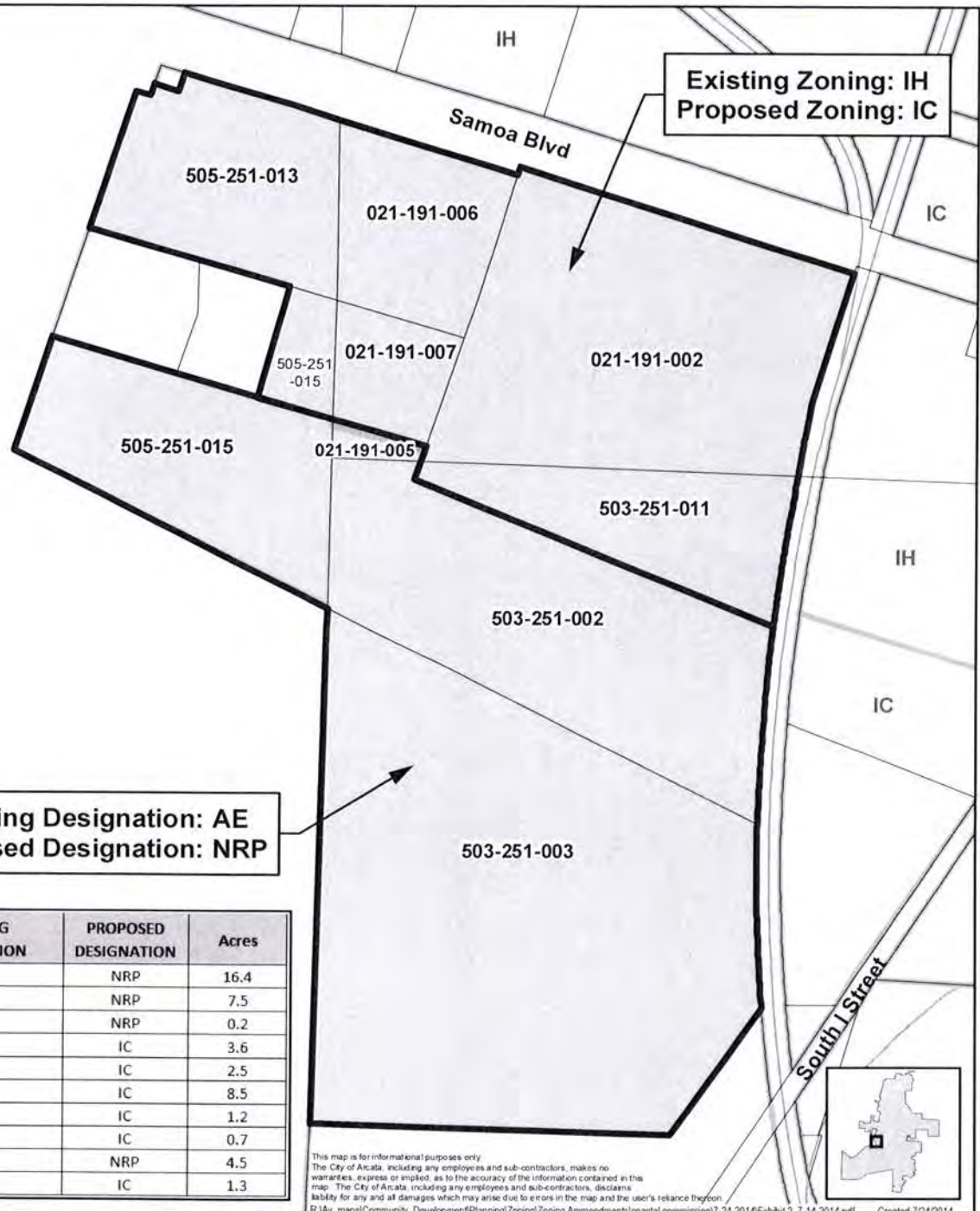
City of Arcata

Exhibit 2 of 6

Coastal Zoning Map

(Land Use Plan & Zoning Map)

July 2014



Legend

Proposed Designation

Existing Designation

City of Arcata Parcel

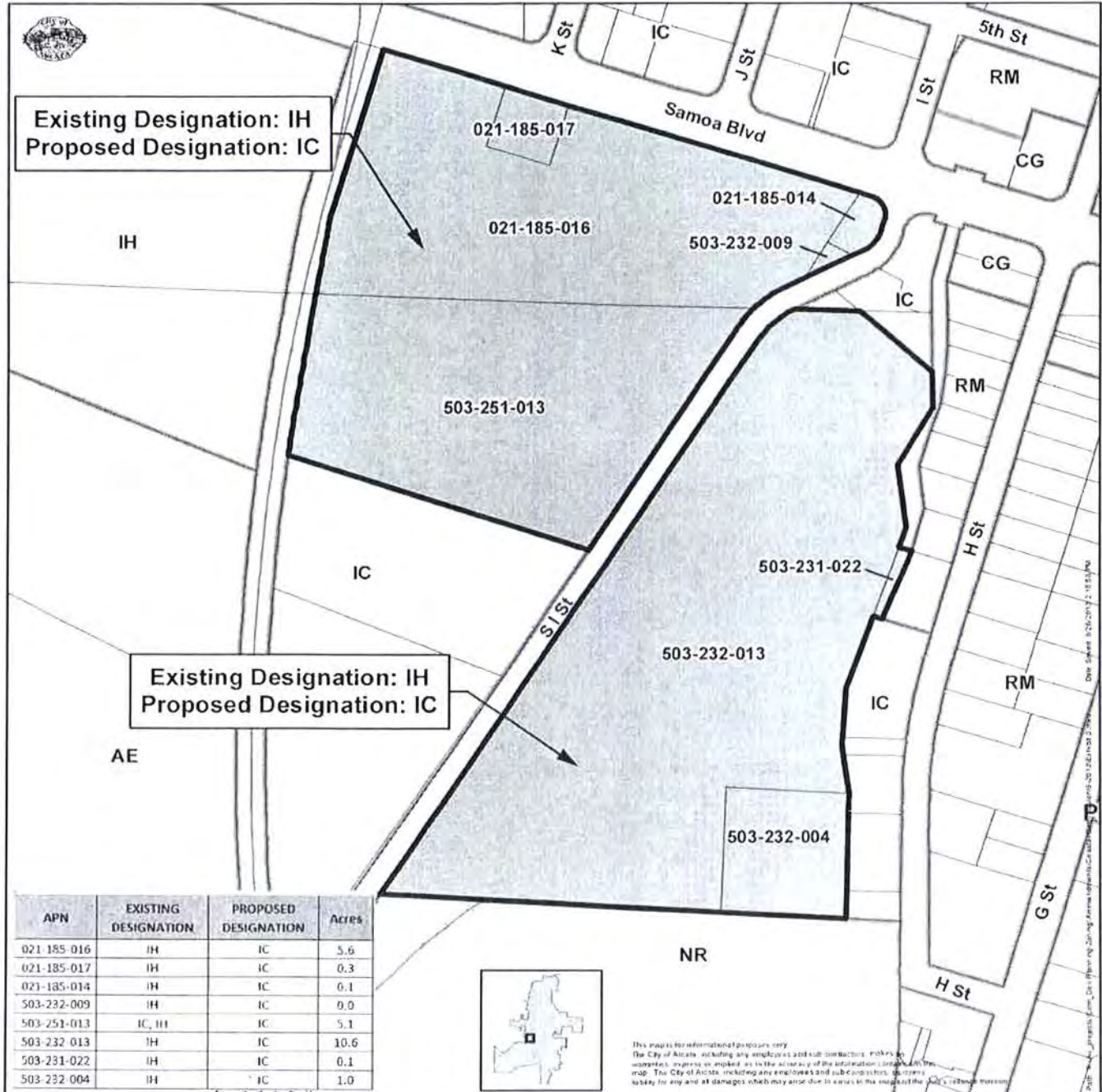
Coastal Zone Boundary



0 100 200 Feet

299

City of Arcata
Exhibit 3 of 6
Land Use/Zoning Designation Changes
 September 2013



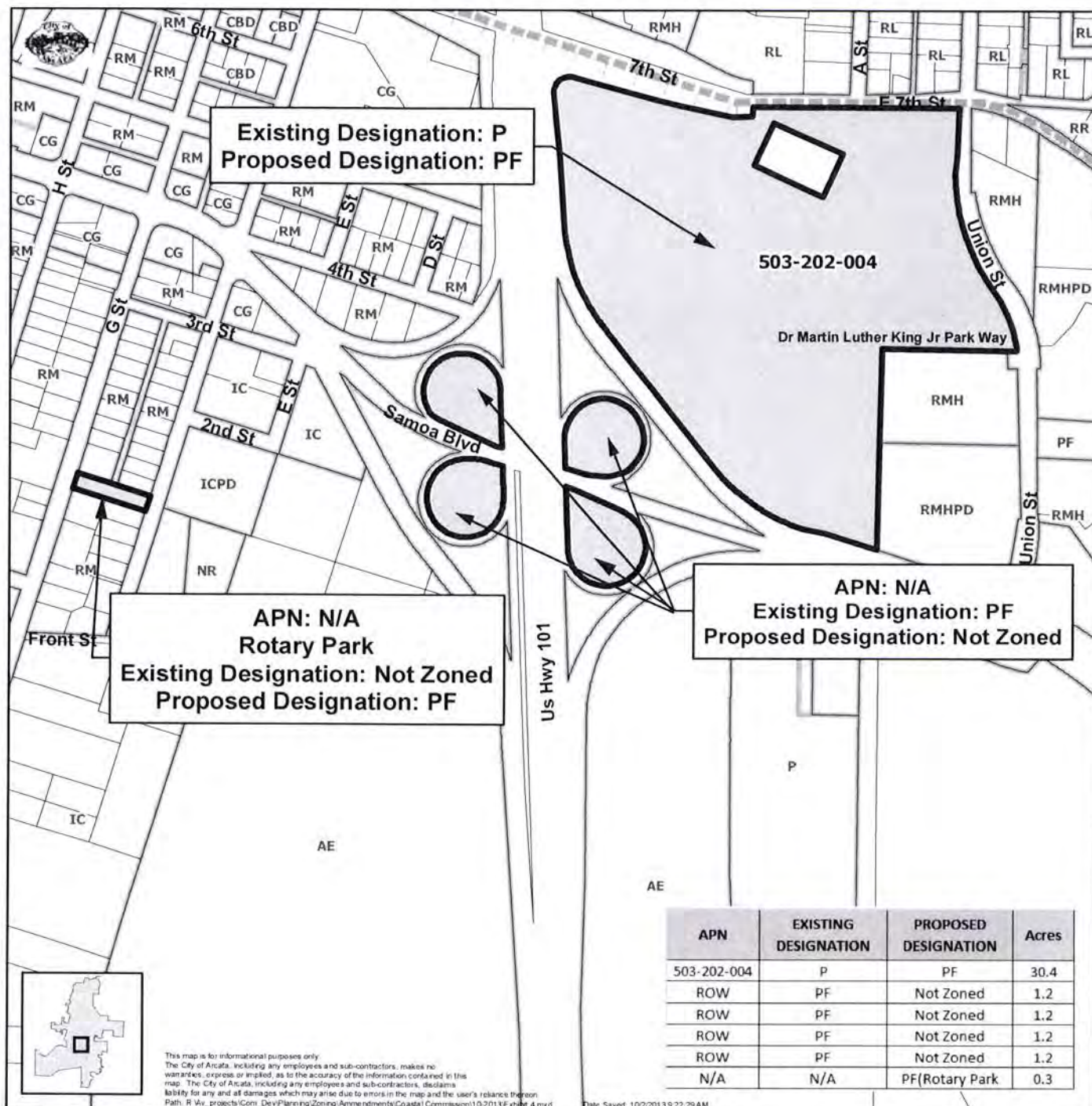
City of Arcata

Exhibit 4 of 6

Land Use and/or Zoning Designation Changes

(Land Use Plan & Zoning Map)

July 2014



Legend



Proposed Designation

Existing Designation

City of Arcata Parcel

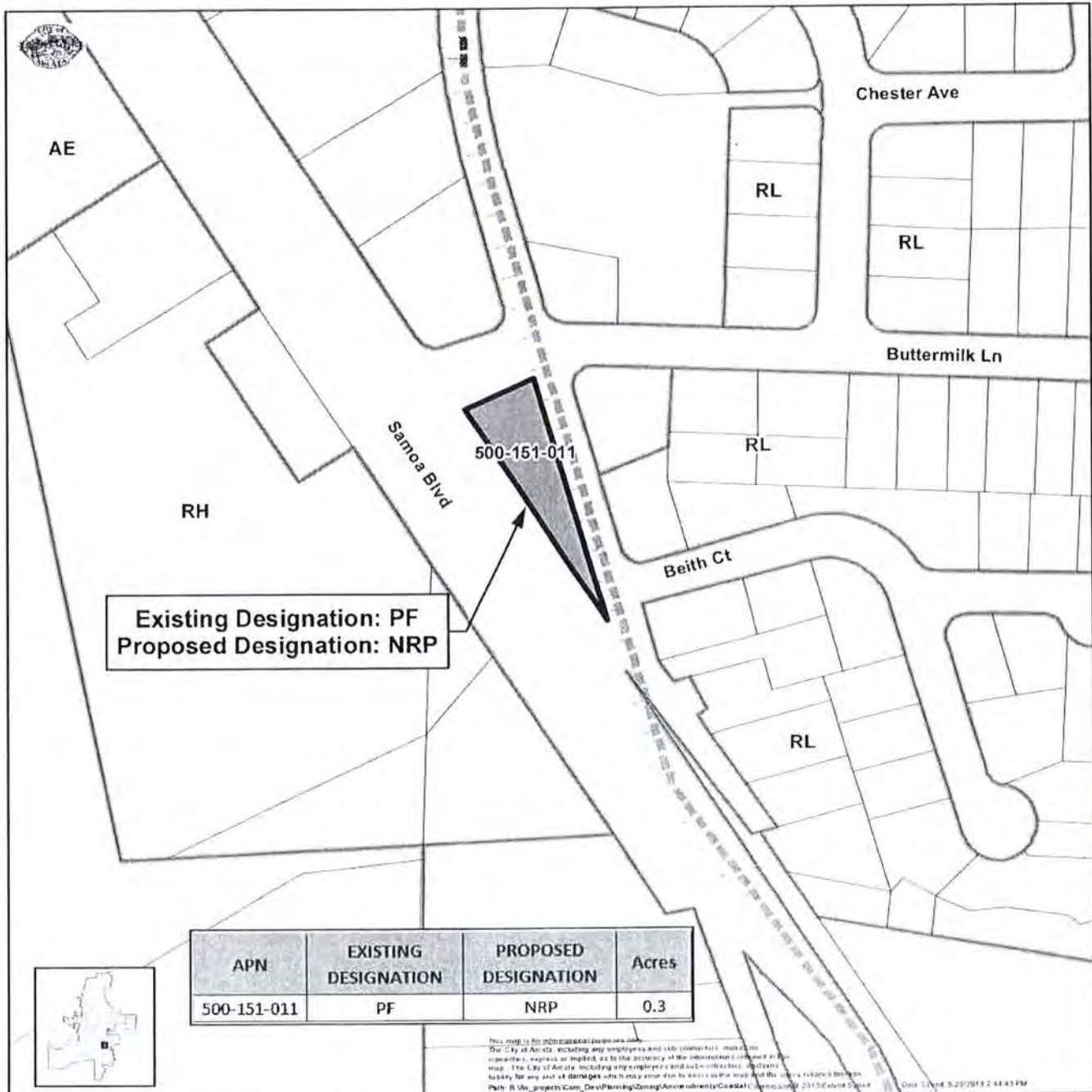
Coastal Zone Boundary







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499

City of Arcata
Exhibit 5 of 6
Land Use/Zoning Designation Changes
 September 2013

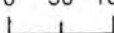
**Legend**

-  Proposed Designation
-  Existing Designation

-  City of Arcata Parcel
-  Coastal Zone Boundary

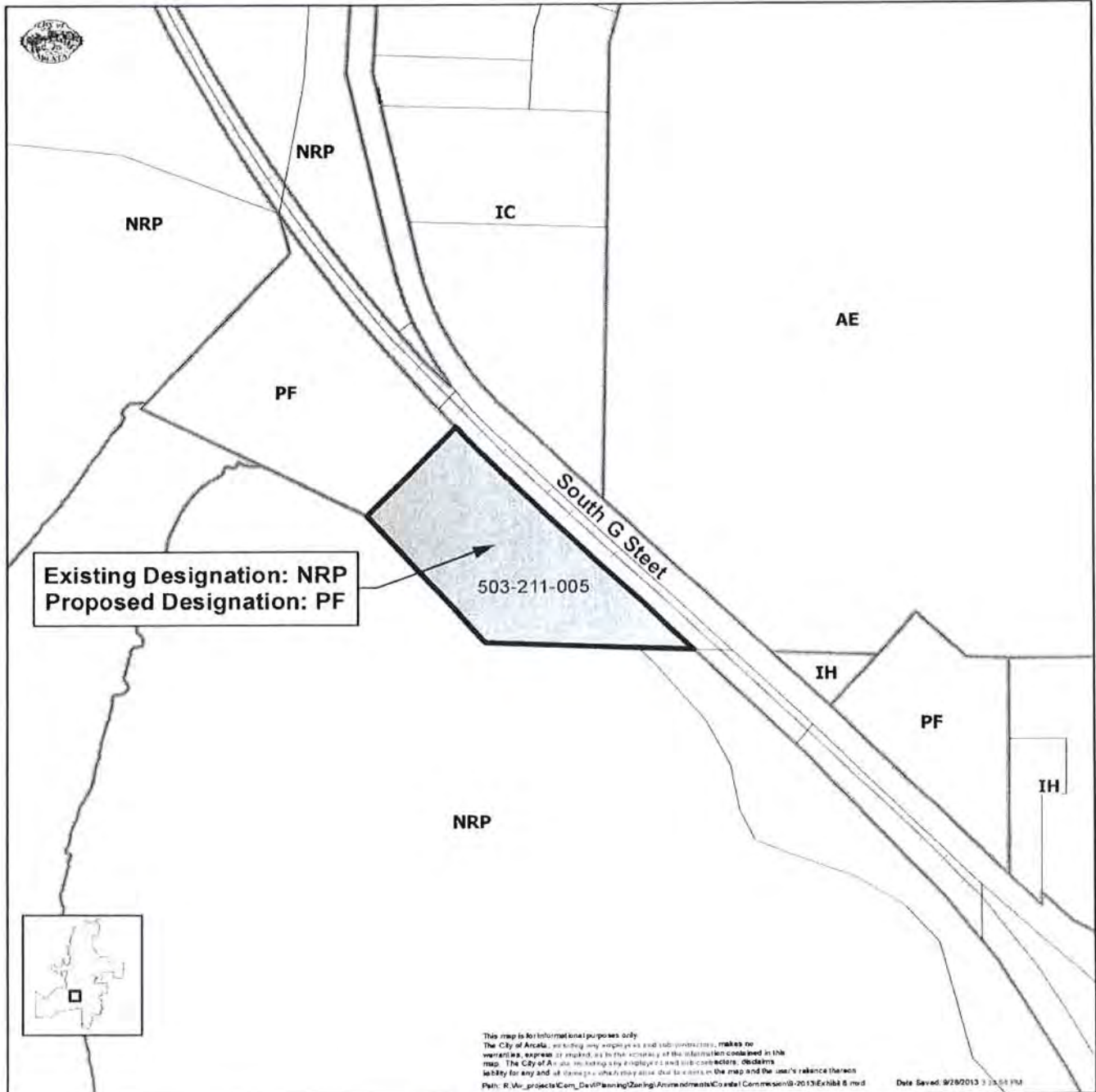


0 50 100 Feet



599

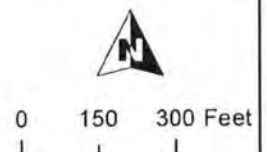
City of Arcata
Exhibit 6 of 6
Land Use/Zoning Designation Changes
 September 2013



Legend

- Proposed Designation
- IC Existing Designation

- City of Arcata Parcel
- Coastal Zone Boundary



Development Standards & Principally and Conditionally Permitted Uses

Existing	Proposed	Min. Parcel Size		Setbacks		Max. Height & Lot Coverage	Floor Area Ratio (FAR)**	Parking & Loading (per CLUDG §§1-0303, 1-0304)	Landscaping & Screening (per CLUDG §1-0306)
		Min. Width	Max. Depth	IH	IC				
Heavy Industrial (IH)	Industrial Comm. (IC)	IH 1 ac. 100'/4x width	IC 10,000 sf 60'/4x width	IH 25' from street; 10' non-residentially zoned property; 25' from residentially zoned property	IC 10' from street; 10' from non-residentially zoned property line; 20' from residentially zoned property	<u>Height</u> IC – 45' IH – 50' <u>Coverage</u> IC – not specified IH – not specified	n/a	Depends on individual uses, but generally, IC uses require more spaces than IH uses. Commercial/Industrial uses are considered the same in terms of loading space requirements.	IH – 10% of lot area IC – 10% of lot area
Ag Excl. (AE)	Natural Resource Protection (NRP)	AE (CLUE) 60 acre min. Width/depth not specified	NRP None specified Width/depth not specified	AE 10' front & rear; 10' side	NRP None specified	<u>Height</u> AE – none specified NRP – none specified <u>Coverage</u> AE – none specified NRP – none specified	n/a	AE – none specified NRP – none specified	AE – none specified NRP – none specified
Not Zoned (Rotary Park)	Public Facilities (PF)	Not Zoned n/a	PF None specified Width/depth not specified	Not Zoned n/a	PF None specified	<u>Height</u> PF – none specified <u>Coverage</u> PF – none specified	n/a	"Not Zoned" requires no parking, so the PF requirements will be more restrictive. Requirements are use-specific.	PF – as prescribed in CLUDG §1-0306
PF* (Caltrans cloverleaf)	Not Zoned	PF None specified	Not Zoned n/a	PF None specified	Not Zoned n/a	<u>Height</u> PF – none specified <u>Coverage</u> PF – none specified	n/a	"Not Zoned" requires no parking, so the PF requirements will be more restrictive. Requirements are use-specific.	PF – as prescribed in CLUDG §1-0306

*The City's original application of a zoning district and land use designation to lands within the State highway right-of-way (ROW) was erroneous. This is a corrective action.

** The City's CLUDG does not include FAR standards.

Development Standards & Principally and Conditionally Permitted Uses

Heavy Industrial	Permitted Uses	Conditionally Permitted Uses
CLUDG - Existing Coastal zoning - <u>Heavy Industrial</u> (IH)	Gas station; auto service and repair; appliance repair; R&D; wholesale/warehousing; mini-storage; manufacturing (except those defined as Heavy Manufacturing); construction services; construction/farm sales.	Agriculture; indoor commercial recreation; outdoor commercial recreation; trucking terminals; caretaker's quarters; lumber milling and log decks; energy production and other Heavy Manufacturing uses as defined in Appendix A, CLUDG. Limited child care; utilities; communication and transportation uses including auto/boat/trailer sales and rentals.
Lighter Industrial		
CLUDG - Existing Coastal zoning - <u>Industrial Commercial</u> (IC)	Gas station; auto service and repair; appliance repair; R&D; wholesale/warehousing; mini-storage; manufacturing (except those defined as Heavy Manufacturing)	General retail sales; construction services; construction/farm sales; personal services; general business offices; restaurants/bars; construction/farm sales and supply; construction services; animal hospitals and kennels; commercial parking lots; flea markets; indoor and outdoor commercial recreation; trucking terminals; caretaker's quarters; limited child care; utilities/communication/transportation uses; auto/boat/trailer sales and rentals; other business. (No heavy manufacturing)
Ag. Exclusive		
CLUDG - Existing Coastal zoning - <u>Agriculture Exclusive</u> (AE)	Wildlife habitat management; farming and grazing activities, barns, silos and windmills; ag structures including greenhouses erected over exposed soil; no more than two residences per lot including 1 caretaker's unit; home occupations. Creameries and limited child care (<12) uses.	No conditionally permitted uses described.
Natural Resources Protection		
CLUDG - Existing Coastal zoning - <u>Natural Resource Protection</u> (NRP)	Wildlife habitat management	Agriculture; aquaculture; utilities (telecommunications uses including, tv and radio transmission facilities; pumping stations and WWTP); boat launching facilities; marinas and boat houses.

2 2 9

Development Standards & Principally and Conditionally Permitted Uses

Public Facility		
<p>CLUDG – Existing Coastal zoning - Public Facilities (PF)</p>	<p>Agriculture; public services and admin. offices including police/fire stations, post offices, public parking lots, parks, golf courses, stables, zoos and other recreational facilities.</p>	<p>Doctor/dentist offices; pharmacies; clinics; laboratories; convalescent/nursing homes; hospitals and public health offices/clinics; schools; child care (>12); community care (>6); museums; art galleries and libraries; community assembly; gardens; phone/radio/tv stations; heliports, bus terminals and bike paths; substations; transmission facilities; reservoirs; storage tanks; pumping stations; WWTPs; corp/storage yards.</p>

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City of Arcata – Local Coastal Program Implementation Plan (Land Use and Development Guide)

SEC. 1-0203 Adoption of Zoning Map

The designations, location and boundaries of the zoning districts referred to in this title are hereby established by and delineated upon the map entitled "Land Use Plan and Zoning Map," which is hereby adopted and by this reference incorporated herein as a part of this title. The map hereby adopted supersedes the maps and all subsequent amendments thereto, adopted by Ordinances 1071 and 1151. The Coastal Zoning Map shall consist of only that portion of ~~the territory of the City of Arcata delineated within the boundary of the~~ Coastal Zone as established and maintained on official maps by the California Coastal Commission, and as generally shown on the revised Land Use Plan and Zoning Map adopted herein. The map consists of four (4) sections, which taken together, encompass the entire territory of the City within the Coastal Zone.

Amendments to the map hereby adopted shall be effected by ordinance in accordance with the procedures and requirements provided in Section 1-0403 of this title, and such amendments shall become part of this title and section by reference. Ordinances amending the map shall be listed in a Table of Ordinances and entitled "Table of Zoning Map Amendments" which shall be incorporated herein. The Community Development Director shall cause to be prepared and maintained an official Land Use Plan and Zoning Map which incorporated all amendments. The official map shall be a public document on file at the Arcata Community Development Department and shall be available for review and purchase by the public.

EXHIBIT NO. 4

APPLICATION NO.

LCP-1-ARC-14-0015-1

ARCATA LCP AMENDMENT

PROPOSED IP TEXT
AMENDMENTS

RESOLUTION NO. 134-05

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARCATA TO TRANSMIT
AMENDMENTS TO THE LAND USE PLAN AND ZONING MAP TO THE
CALIFORNIA COASTAL COMMISSION FOR CERTIFICATION**

WHEREAS, the Coastal Land Use and Development Guide (CLUDG), §1-0403-Code Amendments, allows a Zoning Map or CLUDG text amendment when the City Council determines that the proposed amendment is consistent with the General Plan and would not be detrimental to the public interest, health, safety, convenience or welfare of the City; and

WHEREAS, this Resolution transmitting the attached map Exhibits to the Coastal Commission for certification is necessary to finalize mapping changes that were approved by the City in 2013 through Ordinance 1437; and

WHEREAS, on December 4, 2013, the zoning maps, adopted by Ordinance No. 1262 on May 7, 1997, were amended by Ordinance No. 1437 to reflect the suggested modifications made by the Coastal Commission in its review for certification of expired LCP Amendment No. ARC-MAJ-1-09; and

WHEREAS, pursuant to the requirements of State and local law, the Planning Commission conducted several duly noticed public hearings to consider the proposed map amendments, at which time all interested parties were given an opportunity to be heard; and

WHEREAS, the Planning Commission, following its final hearing on the item on September 10, 2013, recommended that the City Council adopt the proposed changes; and

WHEREAS, the proposed amendments are consistent with the City of Arcata General Plan: 2020 in accordance with the California Government Code § 65860 and the City of Arcata Certified Local Coastal Program in accordance with Public Resources Code § 30513; and

NOW, THEREFORE, BE IT RESOLVED that the Arcata City Council:

1. Finds the revised amendments exempt from environmental review pursuant to California Environmental Quality Act Guidelines Section 15061(b)(3) based on the fact that the amendments are intended to establish standards for which there are no impacts to the community or environment and by virtue that they are consistent with the original Environment Impact Report (EIR) for the General Plan: 2020 adopted in September of 2000, and the Negative Declaration adopted for the Land Use Code in October of 2008;
2. Hereby amends Title IX of the Arcata Municipal Code through the replacement of the current combined Land Use Plan and Zoning Map which was adopted by Ordinance No. 1262, with the map amendments referred to in the Exhibits included herein;
3. Authorizes the transmittal of said map amendments to the California Coastal Commission for certification;
4. Finds that the amendments will be effective immediately upon certification by the California Coastal Commission; and
5. Intends to carry out these amendments in a manner in conformity with the Coastal Act.

DATE: December 4, 2013

ATTEST:

Signature on File

City Clerk, City of Arcata

APPROVED:

Signature on File

Mayor, City of Arcata

CLERK'S CERTIFICATE

I hereby certify that the foregoing is a true and correct copy **Resolution No. 134-05**, passed and adopted at a special meeting of the City Council of the City of Arcata, County of Humboldt, State of California, on the 4th day of December, 2013, by the following vote:

AYES: **BRINTON, WHEETLEY, ORNELAS, STILLMAN, WINKLER**

NOES: **NONE**

ABSENT: **NONE**

ABSTENTIONS: **NONE**

Signature on File

City Clerk, City of Arcata

APPLICATION NO.

LCP-1-ARC-14-0015-1

ARCATA LCP AMENDMENT

ORDINANCE OF ADOPTION – IP
AMENDMENTS (1 OF 8)

ORDINANCE NO. 1437

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARCATA
AMENDING THE COASTAL LAND USE AND DEVELOPMENT GUIDE (CLUDG) OF THE
CITY OF ARCATA ADOPTING A NEW COASTAL ZONING MAP, SECTION 1-0203, AND
RELATED TEXT AMENDMENTS**

The City Council of the City of Arcata does hereby ordain as follows:

Section 1. Factual Findings. The City Council for the City of Arcata hereby makes the following findings:

- A. The City of Arcata has adopted a Coastal Land Use and Development Guide (CLUDG) for zoning and planning regulations within the Arcata Coastal Zone, adopted as Ordinance 1151 and subsequently amended.
- B. On May 7, 1997, the City Council adopted Ordinance 1262 rescinding then existing and adopting new inland and coastal zoning maps and textual amendments to Section 1-0203 of the LUDG.

Section 2. Text Amendments. Section 1-0203, as previously amended by Ordinance 1262 on May 7, 1997 is hereby amended as shown in the following ~~strike-through~~ and underscore:

SEC. 1-0203 Adoption of Zoning Map

The designations, location and boundaries of the zoning districts referred to in this title are hereby established by and delineated upon the map entitled "Land Use Plan and Zoning Map", which is hereby adopted and by this reference incorporated herein as a part of this title. The map hereby adopted supersedes the maps and all subsequent amendments thereto, adopted by Ordinances 1071 and 1151. The Coastal Zoning Map shall consist of only that portion of ~~the territory of the City of Arcata delineated within the boundary of the Coastal Zone~~ as established and maintained on official maps by the California Coastal Commission, and as generally shown on the revised Land Use Plan and Zoning Map adopted herein. The map consists of four (4) sections, which taken together, encompass the entire territory of the City within the Coastal Zone.

Amendments to the map hereby adopted shall be effected by ordinance in accordance with the procedures and requirements provided in Section 1-0403 of this title, and such amendments shall become part of this title and section by reference. Ordinances amending the map shall be listed in a Table of Ordinances and entitled "Table of Zoning Map Amendments" which shall be incorporated herein. The Community Development Director shall cause to be prepared and maintained an official Land Use Plan and Zoning Map which incorporated all amendments. The official map shall be a public document on file at the Arcata Community Development Department and shall be available for review and purchase by the public.

Section 3. Zoning Map Rescission. The Coastal Land Use and Development Guide Land Use Plan and Zoning Maps adopted by Ordinance 1262 on May 7, 1997, are hereby rescinded and of no further force and effect.

Section 4. Zoning Map Adoption. The Coastal Zoning Maps as shown in Exhibit 1, attached hereto and incorporated herein, are hereby adopted.

Section 5. Incorporation into CLUDG. Upon the effective date of this ordinance, the amendments hereby adopted in this ordinance shall be incorporated into the Coastal Development Land Use Guide.

Section 6. Findings of Approval. Based upon the whole record, information received in public hearings, comments from responsible agencies, the Arcata Planning Commission Staff Reports and Resolution PC-13-04, the following findings are hereby adopted:

1. The proposed amendments are consistent with the General Plan in accordance with California Government Code, Section 65860.
2. The proposed amendments would not be detrimental to the public interest, health, safety, or convenience, nor to the welfare of the City.

Section 7. Severability. If any provision of this ordinance is invalidated by any court of competent jurisdiction, the remaining provisions shall not be affected and shall continue in full force and effect.

Section 8. Limitation of Actions. Any action to challenge the validity or legality of any provision of this ordinance on any grounds shall be brought by court action commenced within ninety (90) days of the date of adoption of this ordinance.

Section 9. CEQA. This ordinance is exempt from the California Environmental Quality Act (CEQA) Guidelines pursuant to Section 15061(b)(3) of the CEQA Guidelines.

Section 10. Effective Date. This ordinance shall take effect after its approval by the Coastal Commission.

DATED: December 4, 2013

ATTEST:

Signature on File

City Clerk, City of Arcata

APPROVED:

Signature on File

Mayor, City of Arcata

CLERK'S CERTIFICATE

I hereby certify that the foregoing is a true and correct copy of **Ordinance No. 1437**, passed and adopted at a special meeting of the City Council of the City of Arcata, County of Humboldt, State of California, on the 4th day of December, 2013, by the following vote:

AYES: **BRINTON, WHEETLEY, ORNELAS, STILLMAN, WINKLER**

NOES: **NONE**

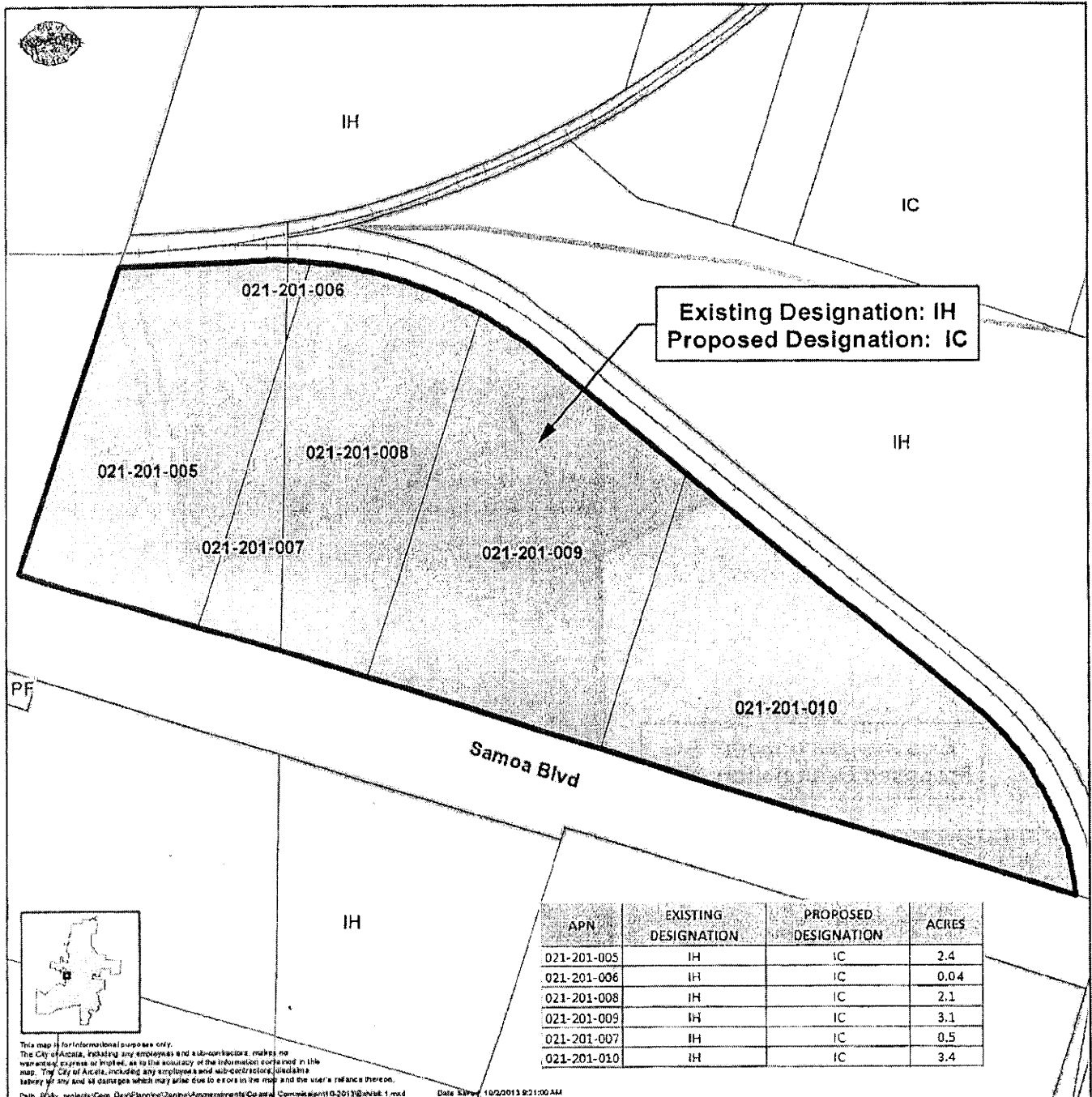
ABSENT: **NONE**

ABSTENTIONS: **NONE**

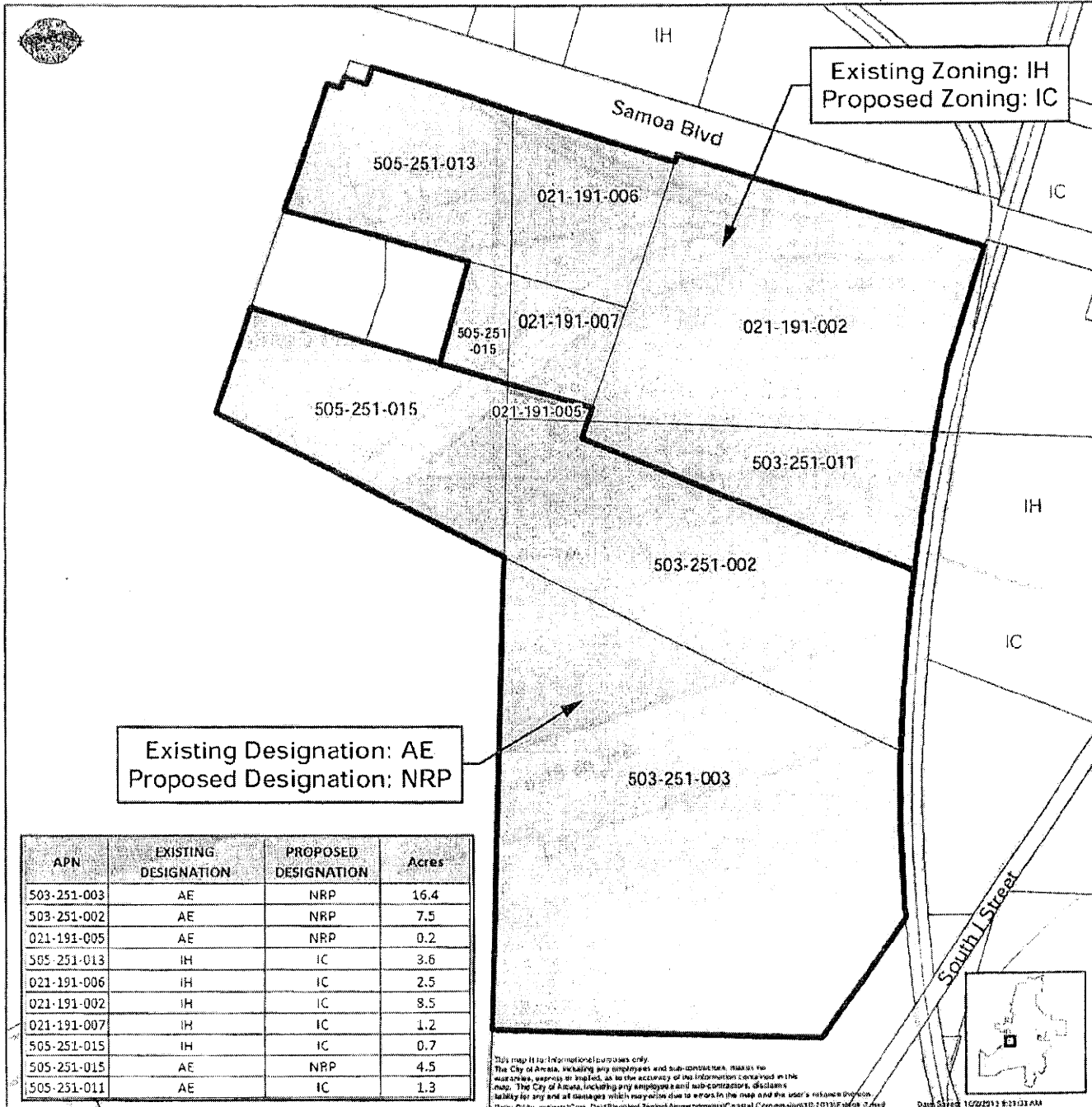
Signature on File

City Clerk, City of Arcata

City of Arcata
Exhibit 1 of 6
Coastal Zoning Map
 (Land Use Plan & Zoning Map)
 October 2013



City of Arcata
Exhibit 2 of 6
Coastal Zoning Map
 (Land Use Plan & Zoning Map)
 October 2013



Legend



Proposed Designation



Existing Designation



City of Arcata Parcel



Coastal Zone Boundary

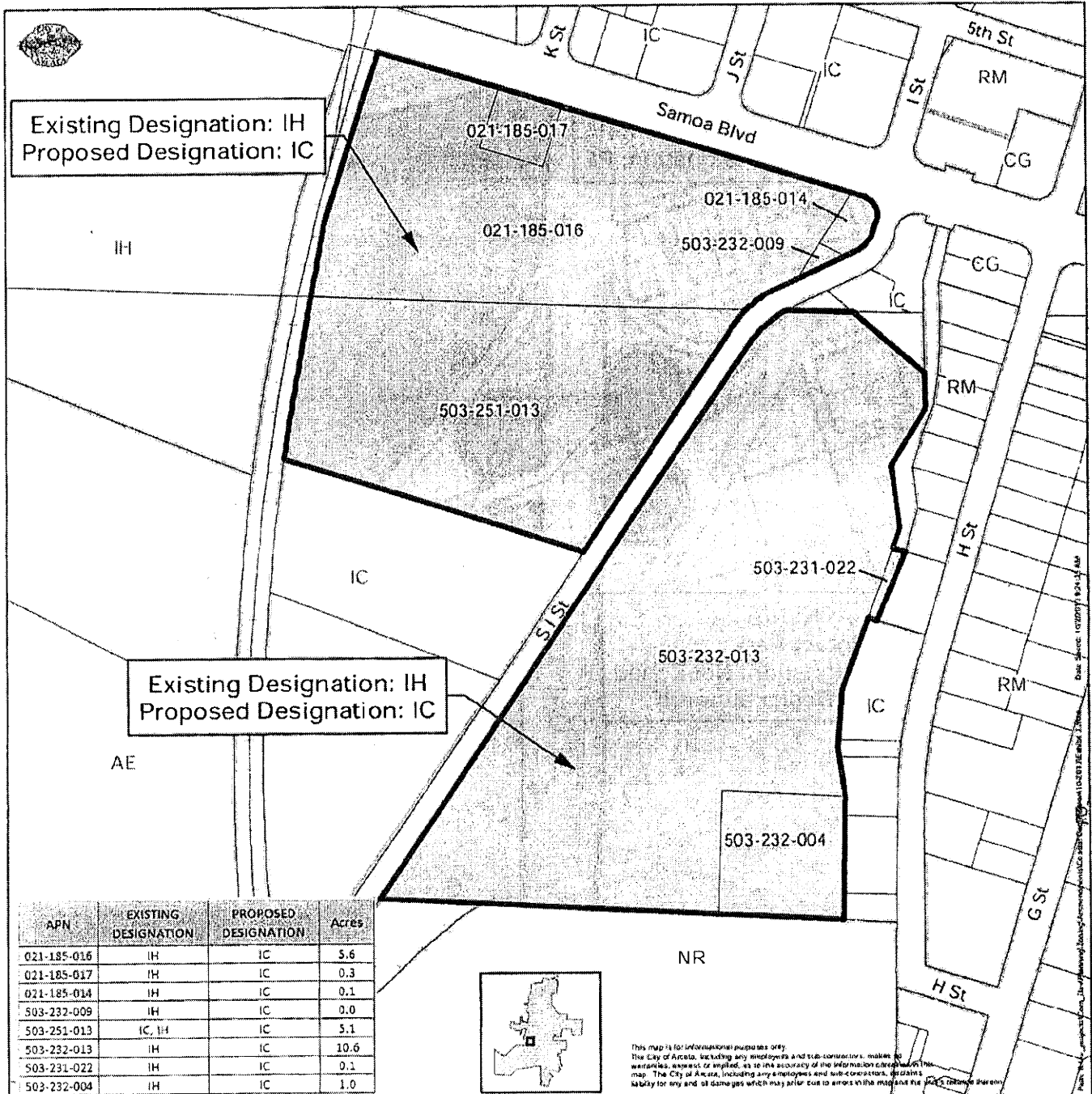


0 100 200 Feet



448

City of Arcata
Exhibit 3 of 6
Coastal Zoning Map
 (Land Use Plan & Zoning Map)
 October 2013



Legend



Proposed Designation



Existing Designation



City of Arcata Parcel

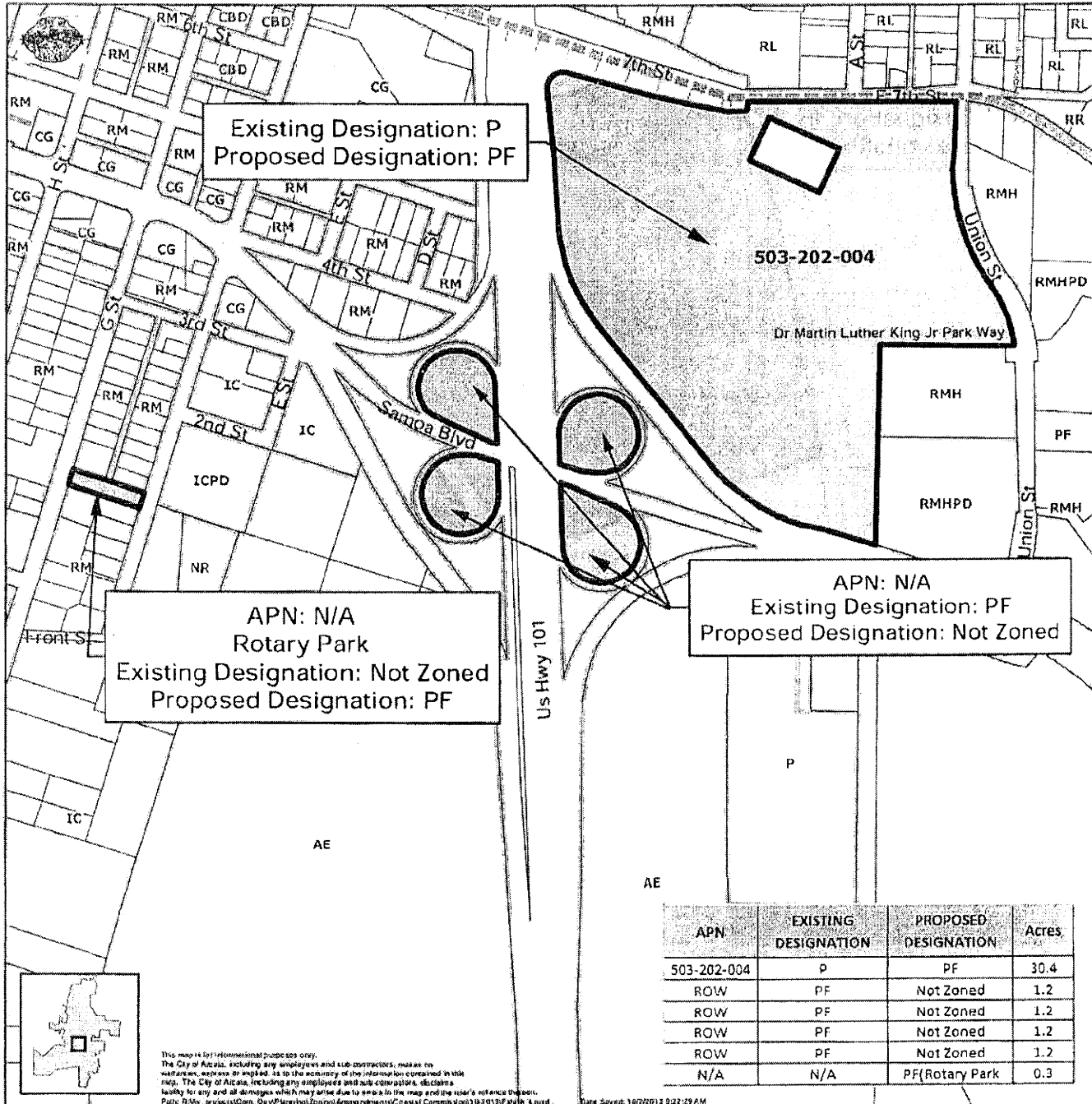


Coastal Zone Boundary



0 100 200 Feet

City of Arcata
Exhibit 4 of 6
Coastal Zoning Map
 (Land Use Plan & Zoning Map)
 October 2013



Legend



Proposed Designation



Existing Designation



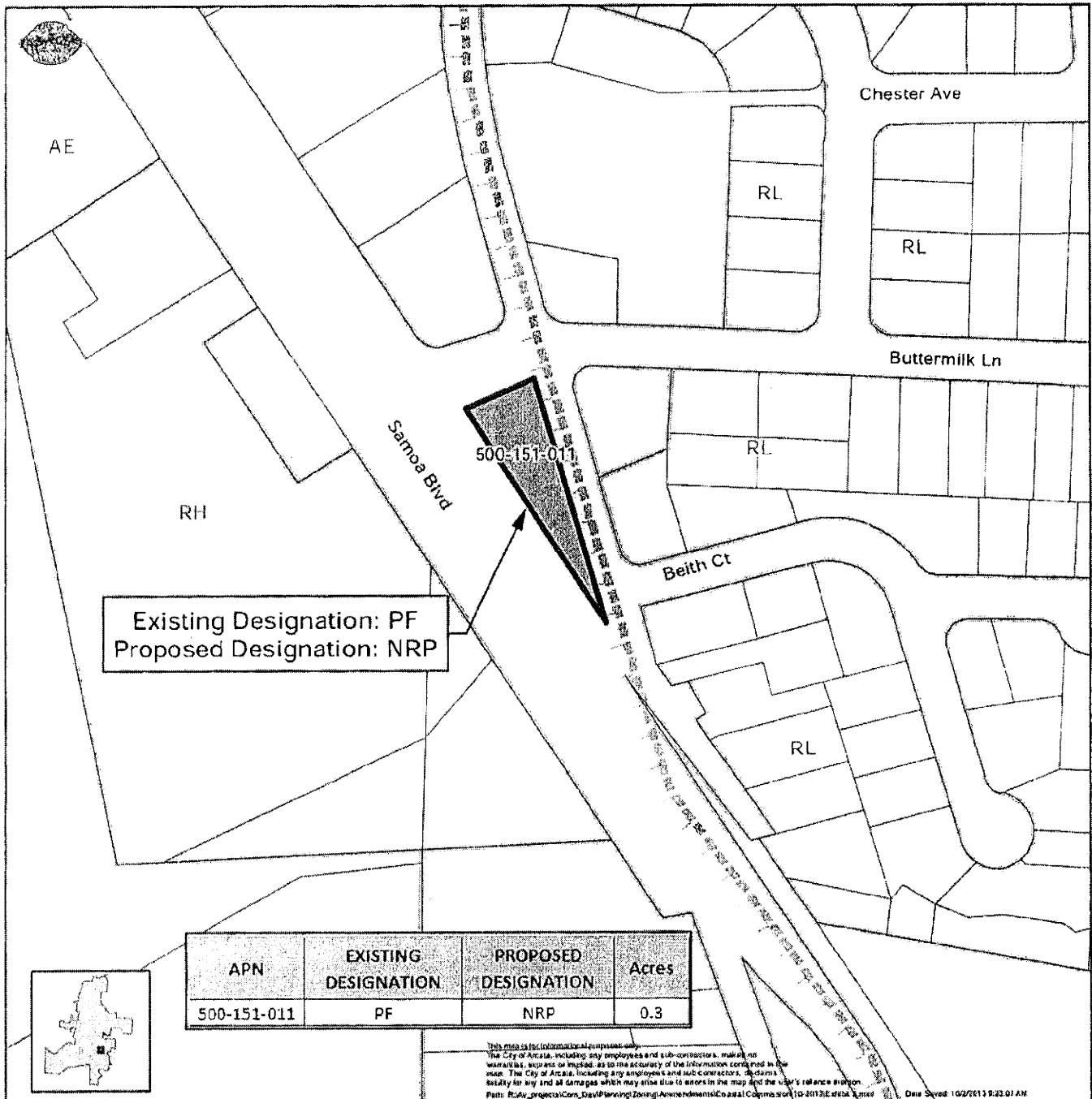
City of Arcata Parcel

Coastal Zone Boundary





0 150 300 Feet

City of Arcata
Exhibit 5 of 6
Coastal Zoning Map
(Land Use Plan & Zoning Map)
October 2013



Legend

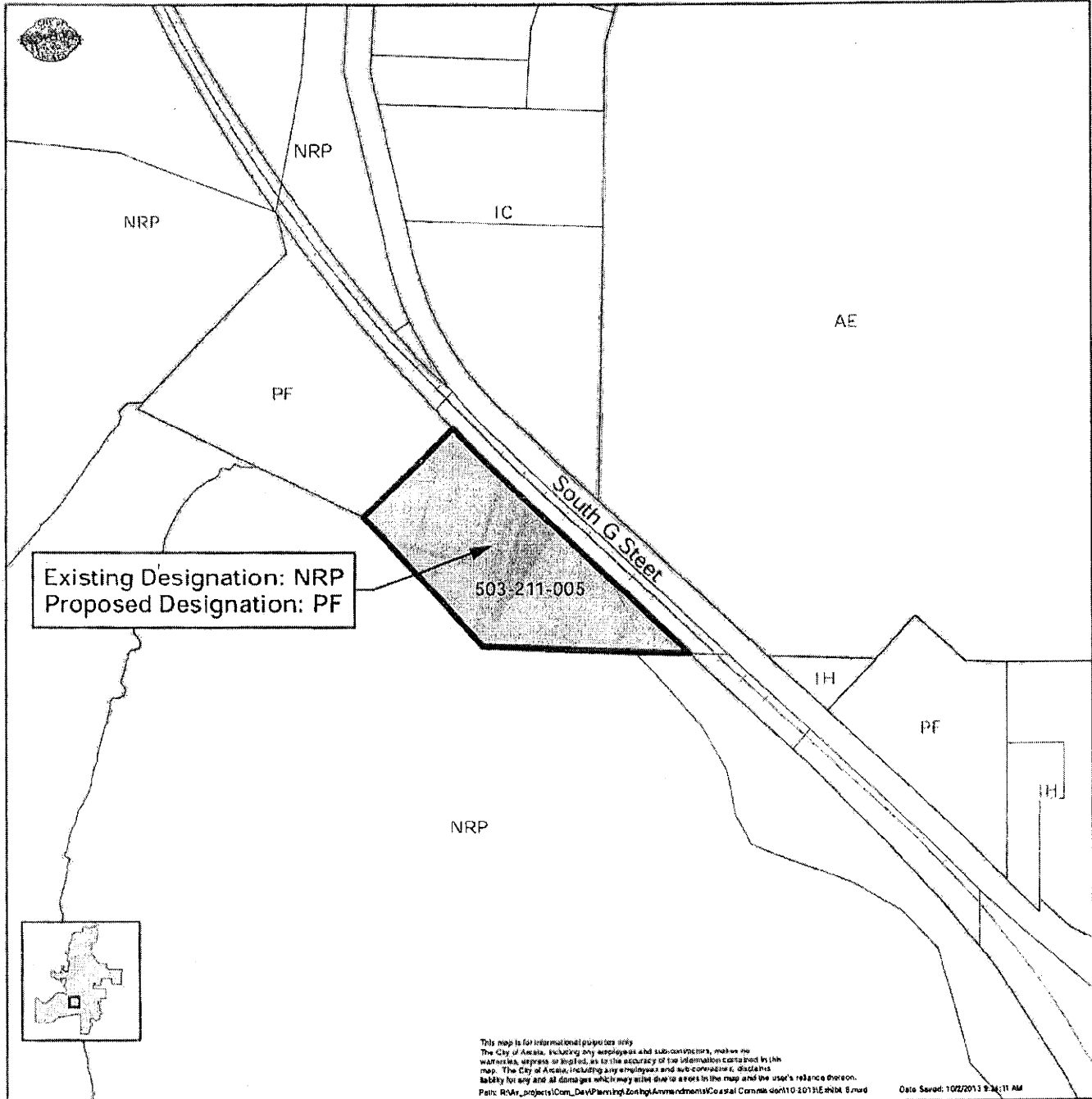
- 
- Proposed Designation
-
- 
- Existing Designation

- City of Arcata Parcel
 Coastal Zone Boundary



0 50 100 Feet

City of Arcata
Exhibit 6 of 6
Coastal Zoning Map
 (Land Use Plan & Zoning Map)
 October 2013



Legend

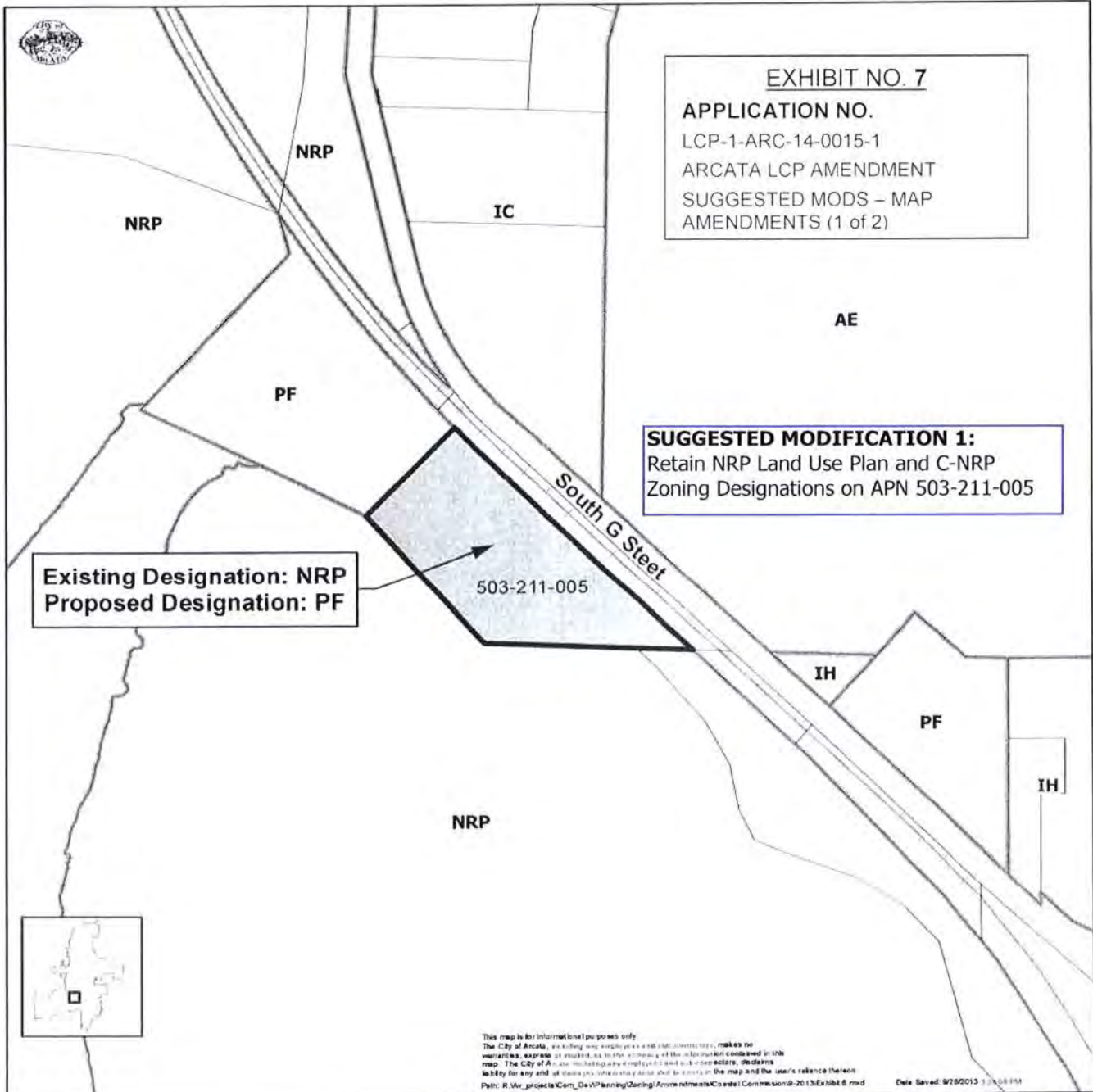
- Proposed Designation
- Existing Designation

- City of Arcata Parcel
- Coastal Zone Boundary

8 of 8

EXHIBIT 1 OF 2

Proposed Suggested Modifications to LUP and IP Map Amendments



Legend

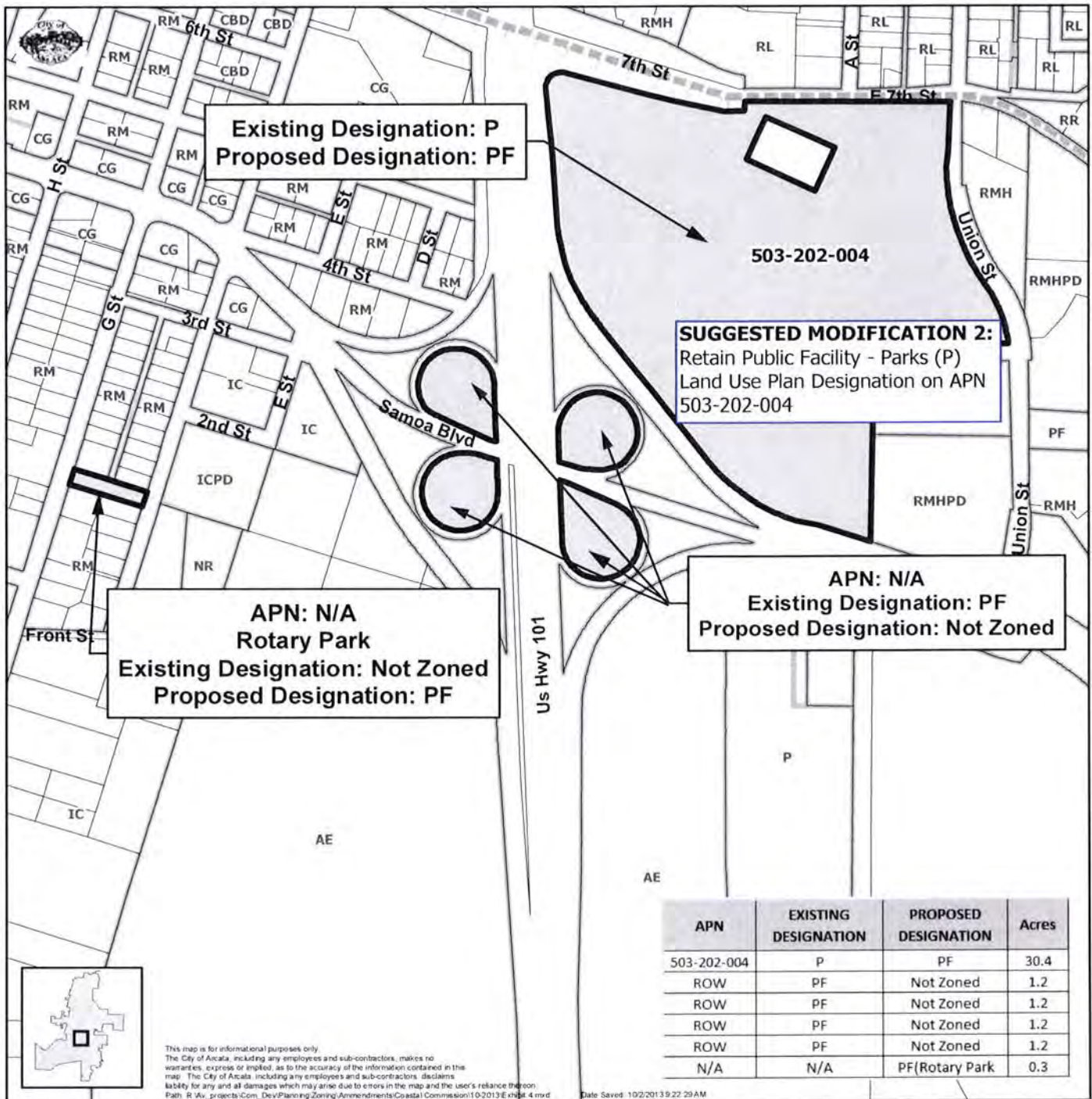
- Proposed Designation
- Existing Designation

- City of Arcata Parcel
- Coastal Zone Boundary



EXHIBIT 2 OF 2

Proposed Suggested Modifications to LUP and IP Map Amendments



Legend

- Proposed Designation
- Existing Designation

- City of Arcata Parcel
- Coastal Zone Boundary



0 150 300 Feet

292

PROPOSED SUGGESTED MODIFICATION 3

City of Arcata – Local Coastal Program Land Use Plan (Coastal Land Use Element)

Section IV. DEVELOPMENT CONSTRAINTS

- IV-19. Development in the ~~Heavy~~ Industrial Area bounded by Samoa Boulevard, Butcher's Slough, and Gannon Slough should include local native plant landscaping, screenings, and other mitigations to ensure compatibility with the educational, recreational, wildlife, and other uses of the Humboldt Bay National Wildlife Refuge and the Arcata Marsh and Sanctuary.

EXHIBIT NO. 8

APPLICATION NO.

LCP-1-ARC-14-0015-1

ARCATA LCP AMENDMENT

SUGGESTED MODS - TEXT